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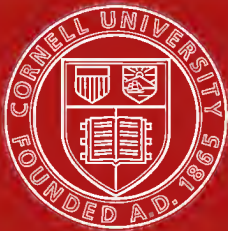
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SAMUEL JONES TILDEN

Circa 1874

THE LIFE
OF
SAMUEL J. TILDEN

BY

JOHN BIGELOW, LL.D.

AUTHOR OF "LIFE OF BENJAMIN FRANKLIN" "LIFE OF WILLIAM
CULLEN BRYANT" "FRANCE AND THE CONFEDERATE NAVY"
EDITOR OF "WRITINGS AND SPEECHES OF
SAMUEL J. TILDEN" ETC.

*Chacun de ses malheurs semble une méprise ou une
énigme jusqu'à ce qu'on prononce le nom de ses ennemis*

St. MARC GIRARDIN, *Art.* "Aronaud"

IN TWO VOLUMES

VOLUME I.—1814-1876



NEW YORK
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1895

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PREFACE

MY acquaintance with the subject of this memoir commenced while we were both yet students of the profession which he was destined so conspicuously to adorn. It rapidly matured into a friendship which never knew any interruption. Though for a time, on political questions, operating on diverging lines, we differed only about the means, never about the ends of which we were in pursuit. At the close of the Civil war of 1861 we found ourselves once more on common ground, and thenceforth to the close of his life it was my privilege to coöperate with him in his persistent efforts to correct some of the administrative abuses, which were the not unnatural results of that gigantic fratricidal struggle. About the time that he found himself compelled by impaired health to retire from the active leadership of his party, he placed in my hands all of his public papers, from which I was permitted to choose such as I deemed of permanent interest and value. These were submitted to the public in 1885.¹ He subsequently gave me access to his private correspondence, portions of which he caused to be copied and printed, partly for my convenience, in case I should survive him and feel disposed to give to the world in greater detail the story of his life. The volumes now submitted to the public are the results of

¹ "The Writings and Speeches of Samuel J. Tilden," edited by John Bigelow, in two volumes, New York, Harper & Brothers, 1885.

an effort to discharge what I am disposed to regard as my duty to a faithful friend, as well as to the great community of which he had been for full half a century a devoted servant and benefactor. His public life spanned a larger portion of the history of our Republic than that of any other eminent American statesman, and he occupied the unique position in our history of being the only one selected by the nation for its chief magistracy, who was never clothed with its responsibilities. That there was much in such a life which those to whom the future destinies of our country are to be confided, may study with profit, there can be no doubt. The contribution to the facilities for this study, attempted in these pages, inadequate as I am conscious it is, and imperfect as any record of such a life must be, written before Time's effacing finger has obliterated the transient memories of a more or less stormy career, and revealed its durable outline and grand proportions, will, I trust, be not without some value. When the passions and prejudices engendered by political strife shall, as in due time they will subside, Mr. Tilden's place among the foremost and wisest statesmen of our country will be cheerfully recognized. If, however, I owe to his memory, as I suppose I do, any further duty as a friend and patriot, it is a duty which my increasing years admonish me must not be deferred.

J. B.

21 GRAMERCY PARK,
NEW YORK, Dec. 11, 1894.

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THE LIFE OF SAMUEL J. TILDEN

CHAPTER I

The Tilden ancestry — The dens of the wealds of Kent — Sir Richard Tilden's ancestor's intermarriage with a nephew of William the Conqueror — John Tilden, of Benenden, A.D. 1400 — Nathaniel Tylden emigrates to America — Commodore Preble — George Ticknor — Major-General Warren — The "Mayflower" — John Tilden's musket — His grandson's first and last sporting experience — Major Doubleday — William Jones, founder of New Haven — David Yale, one of the founders of Yale College — Governor Hopkins — Samnel Jones — Doctor Younglove — Sir John Maxwell Tylden — General William Burton Tylden — Richard Tylden — Elam Tilden.

"HE who has served his country well," says Voltaire, "has no need of ancestors."¹ Tested by this principle, the biographer of Samuel Jones Tilden has no occasion to investigate his pedigree, or to illuminate his name with ancestral blazonry. But it is not for the illustrious dead that we perpetuate the memory of their achievements. It is for those who survive and succeed them that the example of a useful life deserves to be lifted up and made conspicuous. The qualities that he inherits are an essential part of every man's life. We should have the most imperfect notion of the oak if our acquaintance with it did not begin until it had become the monarch of the forest. When a man's life begins and when it ends are equally beyond the range of mortal apprehension. What we inherit may serve as an apology for our infirmities, but affords no pretext for boasting of our achievements. It is only what we

¹ Qui sert bien son pays n'a pas besoin d'aïeux. — *Merope*, Act I. Scene iii.

add to the quality of our racial stock that we can in any sense call our own, or to which the words, "Well done, good and faithful servant," can be rightfully applied. Such I believe to have been substantially the views of the eminent statesman whose career I have undertaken to describe.

Among the papers which Mr. Tilden left behind him, and to which he consecrated a considerable portion of his leisure during the last six or eight months of his life, was a somewhat elaborate genealogical history of the Tilden family. The reasons he assigns for preparing it are such as will justify me in dwelling briefly upon its contents.

"This paper," he wrote, "is the fruit, partly, of a collection formed by throwing into a drawer during many years, almost without plan or definite purpose, memoranda of particular facts which came casually to the collector; and partly by special investigations caused by him at intervals.

"These materials have now been examined and collected during the leisure moments of a few weeks, under a sense that this work could only be done with the aid of a memory supplying the connections between the scattered materials, and that the information might be of interest, perhaps of utility, to the younger members of the family.

"A knowledge of one's descent from a line of virtuous, honorable, and reputable ancestors who performed worthily their part in their day and generation, and who enjoyed the esteem of their contemporaries, is an incentive to imitate their example.

"That a heredity in mental and moral as well as in physical capacities and qualities exists, at least as a tendency, has been recognized in all ages, although the laws by which it is governed have never been ascertained.

" 'How blest is he who his progenitors
With pride remembers, to the listener tells
The story of their greatness, of their deeds,
And, silently rejoicing, sees himself
The last link of this illustrious chain!'"

From this monograph we learn much that is interesting of the race from which the subject of this memoir obviously derived many of the qualities which made him a conspicuous figure in our history, and upon which it was his privilege to confer new distinction.

On the large map of the county of Kent in England, made from the ordnance survey, the name of Tilden appears in four places, and on the sheets defining the parishes, five several times.

Mr. Joseph Samuel Chester, in a letter written to Mr. Tilden, Oct. 9, 1873, from London, says:

"The name is peculiar to the county of Kent, and is undoubtedly from those smaller subdivisions of territory that appear to exist only in what is known as the weald of Kent, called *dens*. The Saxon word *den* is equivalent to the modern word *dale* or *dell*. The entire weald of Kent is one vast dale or dell, and in one portion of it in particular there are numerous smaller dales, which from time immemorial have borne names ending in *den*; which names were also given to the towns and villages in the neighborhood. Thus, Tenterden, Biddenden, Benenden, Rolvenden, Marden, Smarden, etc., are all towns or villages lying together within a circuit of very small diameter, and the termination *den* seldom, if ever, occurs in the names of towns in any other part of the county of Kent. One of these *dales* or *dens* bore the name of Tilden from an early period. One Simon Tilden, of Benenden, by his will, dated Oct. 10, 1463, bequeathed his 'land called Regefeld next the upper den of Tilden;' and John Tilden, of Marden, by his will, dated April 1, 1492, bequeathed sundry lands 'in Marden on the den of Tilden.' This subdivision known by the name of Tilden had therefore existed long before the period of the adoption of surnames, and it is but fair to presume that the immediate occupants of all the den of Tilden, before known only by their Christian names, as John or Thomas of Tilden, at the

proper time adopted their territorial designation as a patronymic.

"It still practically exists, and will be found on the latest ordnance map of England, and it is understood that here the families bearing the name of Tilden had their origin."

The author of the "*Encyclopædia Heraldica*" states in the volume relating to Kent, published in 1830, that "William Tylden paid aid for lands in Kent at the Knighting of the Black Prince, 20th Edward III., which was in 1346." He also stated that "from this William Tylden was descended William Tylden of Wormshill, who died 23^d of December, 1613, and from him gave the succession down to the Milsted family in 1829." The Tyldens, he adds, "are a very ancient family in this county, . . . one of the family went to America with the Pilgrims, and has founded a numerous family of the name in that country, but they spell their name with an i instead of a y."

The records of Kent show that estates in Kent have borne the name of Tilden for more than six hundred years. The present Sir John Maxwell Tylden, of Millsted in Kent, has in his possession a copy of an ancient pedigree which began with Sir Richard Tylden, who lived under the reigns of Henry II. and Richard I., a period which extended from 1154 to 1189, and his armorial bearings are said to show that his ancestors intermarried with the first Norman Earl of Chester, a nephew of William the Conqueror.

"This paper," says Mr. Tilden, "may pass for what it is worth. For my part, I am not ambitious to trace my ancestry to the ruffian and robber chivalry of Normandy. It is more consonant with my principles and my tastes to prefer to deduce my lineage from the yeomanry of Saxon Kent, who preserved their free customs and their liberal landed tenures, rejecting primogeniture and maintaining equality of inheritance among all children, and caused their institutions to be respected by the victorious Normans after

their occupation of England. It is a line of ancestors who, during centuries of conflict, have, in every instance, been on the side of the largest liberty, and have borne their full share in the struggles, the perils, and the sacrifices through which free institutions have been established."

The Tildens of America can trace their lineage back by authentic records to John Tilden, an influential clothier of Benenden, who was born about the year 1400. He was the direct progenitor of Nathaniel Tilden, who with his family, consisting of his wife Lydia, seven children, and seven servants, in the month of March, 1634, embarked in the good ship "Hercules," of Sandwich, of the burthen of two hundred tons, John Witherby, master, and were therein transported to the plantation called New England, in America; "with the certificate from the Ministers where they last dwelt, of their conversion and conformity to the orders and discipline of the church, and that they had taken the Oath of Allegiance and Supremacy."

Nathaniel Tilden is the first name on the passenger list of the "Hercules." He was a man of substance and importance; had been mayor of Tenterden in 1622, and was succeeded in that office by his cousin John in 1623-4. His uncle John had also been mayor of Tenterden in 1585 and in 1600. His father Thomas had been one of the jurats or local magistrates of Tenterden, and his brother Hopestill had held the same office in Sandwich.

Within a year after his arrival at Scituate, in the Colony of Massachusetts Bay, where he established himself, Nathaniel Tilden was chosen the ruling elder of the first church of that town; the first conveyance of land recorded in Scituate was made to him in 1628, and it was bounded by land which already belonged to him.

Nathaniel's brother Joseph, two years his junior, was one of the merchant adventurers of London, who fitted out the "Mayflower," and furnished the capital with which her passengers founded and maintained their infant settlement.

Before leaving England, Nathaniel Tilden married Lydia, a daughter of Thomas Bourne. Martha Bourne, one of her sisters, married John Bradford, the eldest son of Governor Bradford. Margaret, another sister, married Josiah Winslow, a brother of Governor Edward Winslow.

Judith, one of Nathaniel Tilden's daughters, married Abraham Preble, from whom was descended Commodore Preble, one of the illustrations of our naval history. Lydia, a granddaughter of Nathaniel Tilden, married William Ticknor, Jr., and was the great-great-grandmother of George Ticknor, the author of the "History of Spanish Literature."

Nathaniel Tilden's youngest son, Stephen, married Hannah Little, of Plymouth, whose father married the daughter of Richard Warren, who came out in the "Mayflower" in 1620, and left two sons, one of whom, Joseph, was the great-great-grandfather of Major-General Warren, who was killed at Bunker Hill.

This Stephen Tilden had twelve children, and became a large proprietor of land in Lebanon, Conn., where he resided. His son Isaac married the daughter of Richard Man, who came out as a member of Elder Brewster's family, also in the "Mayflower."

John Tilden, one of the six children of Isaac and Rebecca Tilden, married Bathseba Janes, by whom he had seven children, the youngest of whom was destined to become the father of the subject of this biography. In the later years of his life, and after the birth of all his children, he moved from Connecticut to the part of the town of Canaan, in Columbia county, in the State of New York, now known as New Lebanon, where he died in 1812.

This John Tilden, the grandfather of Samuel J. Tilden, served in the French war, and brought back with him from the capture of Louisburg a French musket, with which his distinguished grandson had his first and last experience as a sporting man.

"It was a smooth bore," so he tells the story, "flaring at

the muzzle, without any place for a bayonet, with a flint lock, and a stock of, probably, French walnut. It had become worn at the [*illegible*] and kicked badly at every discharge, so that it was nearly as dangerous to be behind the gun as to be in front of it. I always shrank from killing harmless birds and animals for sport. The only hunting adventure I was ever engaged in was with this old musket when I was a very young man, and, under medical advice, was seeking exercise. My younger brother, Henry, then a little boy, went along to carry ammunition and the game. My first fire was at a flock of pigeons perched on a tree, and I brought down eight of them. My second fire was at a few who had alighted on the top of a very tall tree. I did not get a good rest against my shoulder; and, on the discharge, the old musket swept so violently across my face that I dropped it on the ground to hold my face between my hands. On the next fire I missed my aim. The net result of eight discharges was sixteen pigeons. I stood on my honors as a sportsman, and never made another trial."

John Tilden's eldest child married Maj. Ami Doubleday, who entered the military service in 1775, and in the sixteenth year of his age. He remained in the service during the whole period of the Revolutionary war. His brother Abner, the progenitor of General Doubleday, who was a conspicuous figure in our late Civil war, was one of the forlorn hope detailed by General Wayne to remove the obstructions from the entrance to the fort at the storming of Stony Point.

Mr. Tilden's maternal grandmother was lineally descended from Andrew Patterson, who, in 1679, fought at the battle of Bothwell Bridge, so graphically described by Sir Walter Scott in "Old Mortality." He emigrated to this country to escape the harrowing of Claverhouse, and settled at Stratford, in Connecticut. His great-granddaughter, Parthenia Patterson, married Samuel Jones, and their daughter, Polly Younglove Jones, on the 8th of January, 1802, married

Elam Tilden, and became the mother of Samuel J. Tilden. She was lineally descended from William Jones, who came from England in 1660, and settled in New Haven, where for his remaining forty-six years he was one of the most prominent and influential personages in the colony. For twenty-eight years he held, by successive annual elections, the office of assistant, or magistrate, of the United Colonies, an office which embraced the duties of a magistrate, and also those of a senator, or member of the superior branch of the Legislature, except for the year 1685, when the government of Connecticut was suspended by Governor Andrews, of New York. He was elected deputy-governor of the Colony of New Haven in 1664; was chosen lieutenant-governor of Connecticut in 1689; was annually reelected for each of the five succeeding years; was one of the trustees to whom the patent of the city of New Haven was granted by the General Assembly of Connecticut on the 20th of October, 1704.

Mr. Jones married the daughter of Theophilus Eaton, a wealthy London merchant and deputy-governor of the Company of Merchant Adventurers, who were engaged in the Baltic trade. He was on one occasion sent by Charles I. to the court of Denmark on a special mission. In company with Rev. John Davenport, of whom he was a parishioner, he came to Boston in 1637, and in the following spring sailed with Davenport, and others associated with them, to the place which they afterwards called New Haven, whence came the title conferred upon Mr. Eaton by the chroniclers of the period, of "The Father of New Haven."¹

Eaton, in second nuptials, married Ann, widow of David Yale and daughter of the bishop of Chester. She was of the same family as John Morton, who became cardinal archbishop of Canterbury and lord chancellor of England. She was also the grandmother of Elisha Yale, who became governor of the East India Company and the earliest im-

¹ "Young's Chronicles," p. 123.

portant benefactor of the venerable seat of learning at New Haven, to which he also gave his name. Her son-in-law, Edward Hopkins, who had been a Turkey merchant in London, held the office of magistrate and secretary of State in the Colony of New Haven one year, that of lieutenant-governor six years, and that of governor seven years. He returned to England, was made a member of Oliver's parliament and a commissioner of the navy.

Samuel Jones, the lineal descendant of Gov. William Jones and the maternal grandfather of Samuel J. Tilden, was born at Cornwall, Conn., on the 15th of May, 1752, and died in New Lebanon on the 9th of July, 1836. He entered the Revolutionary army as a volunteer on the 4th of July, 1776, and rose to the rank of major, a title which he bore for the rest of his life. He was for fourteen years a justice of the peace under commissions from Gov. George Clinton. His elder brother, Caleb Jones, also left college to enter the military service, and died while in the army. John Patterson, the brother of Samuel's wife, died of the hardship he experienced as a prisoner of war.

Polly Patterson, a younger sister of Samuel J. Tilden's maternal grandmother, married Moses Younglove. He was a physician by profession, and a surgeon on the staff of General Herkimer, who fell at the battle of Oriskany, on the 6th of August, 1777. Doctor Younglove was at his side when he fell, and received his sword. After the doctor was captured by the British forces, consisting of Tories and Indians, he was stripped of all his clothes, except his drawers, and marched to Quebec, barefooted. In his imprisonment he was fed through a knot-hole by a soldier whose family he had attended medically in the absence of its head. His sufferings were so great that he was left an invalid for the rest of his life. He believed the Indians were cannibals, and that they would have eaten him if he had not been exceedingly thin.

Doctor Younglove has, himself, left an account of his

capture and consequent hardships, and the brutalities endured at the hands of his captors, in the form of an affidavit which is on file in the office of the Secretary of State.

Thus much of the American branch of the Tilden ancestry. It seems to have enjoyed an existence of corresponding dignity and usefulness in England. Estates bearing the name of Tilden have been maintained in the parish of Marden, in Kent, for a period of nearly six hundred years.

The Tildens of Milsted, in Kent, have been for centuries, and still continue to be, a family of great respectability. One of them, a cousin of Gen. William Burton Tylden, and of Sir John Maxwell Tylden, was lieutenant-general and colonel of the Royal Artillery. Sir John Maxwell Tylden served in the British army for twenty years, and became lieutenant-colonel of the famous Fifty-second Regiment of the line. Gen. William Burton Tylden, a cousin of the preceding, commanded the Royal Engineers at Dover, at Corfu, and at Malta, and on the breaking out of the Crimean war was selected to command the Royal Engineers on that expedition. He had his horse shot under him at the battle of the Alma, and died of cholera two days after. He was made a knight of the Order of the Bath, but his appointment did not reach the army until after his death.

His widow, now Lady Tilden, was raised to the rank to which she would have been entitled if her husband had been made a K.C.B.

His eldest son, Richard, also entered the Royal Engineers, served with distinction in the Kaffir war of 1852, for which he received a brevet lieutenant-colonelcy. He had charge of the right attack of the English at Sebastopol, and for his services on this occasion was made A.D.C. to the queen, which carries with it the rank of full colonel. He was shot through both legs while superintending his work in the trenches, and died at Malta on the voyage home to England.

William, the nephew of this Richard and grandson of

Gen. William Burton Tylden, is now a captain in the Royal Artillery. Richard, a nephew of Gen. William Burton Tylden, was also captain of artillery and a promising young officer. He was killed by the fall of his horse while hunting.

It will be seen from this rapid and imperfect summary of what we know of the Tilden family that it has been continuously represented in various departments of the public service with distinction for more than twenty generations, and has transmitted a name which, during all that long period, has been stained by no crime that the muse of history has deemed worthy of recording, unless it be a crime of which so many of them were guilty, of shedding their blood and laying down their lives to secure the independence of the North American Colonies.

The entire text of Mr. Tilden's "Notes on the Origin of the Tilden Name and Family" will be found in the Supplement to this volume. They will reward a careful perusal, independently of any interest the reader may have, or lack, in the subject of this memoir.

CHAPTER II

Youth and school-days—Elam Tilden—Martin Van Buren and Doctor Younglove—Cost of education—Lessons in elocution—Halstead's prescription—Chancellor Kent reads his last preface to his "Commentaries"—First essay as a political writer—Opposes a recharter of the United States bank—Van Buren's will—Defends President Jackson's nullification message—Early views of a protective tariff—Silas Wright's *peccavi*—The treasury an executive department.

SAMUEL JONES TILDEN, the fourth of seven children of Elam Tilden and Polly Younglove Jones, was born at New Lebanon, in the county of Columbia and State of New York, on the 9th day of February, 1814, when his father was in the thirty-third year of his age and his mother in her thirty-second.

Samuel's grandfather, John Tilden, removed with his family and several of his neighbors, in 1790, from the village of Lebanon, in the State of Connecticut, and christened the place they chose for their future home New Lebanon, in honor of the one they had abandoned. Here Elam Tilden grew to man's estate, became the proprietor of a handsome farm, to the tillage of which he added the management of a fairly prosperous commercial business.

New Lebanon soon became what it still is, a quiet, cheerful rural village and the centre of a sober, earnest, and thoughtful population, mostly emigrants, or the immediate descendants of emigrants, from Connecticut, who had borne an honorable part in the war of the Revolution, in which they each had acquired a dignifying sense of their individual importance in shaping the destinies of a nation.

The village to-day consists practically of one long and broad street, both sides lined with the houses which constitute the homes of most of the inhabitants. At the head of

the Lebanon valley are the famous sulphur springs which half a century ago were the favorite summer-resort of the wealth and fashion of the nation, but which of late years have been frequented chiefly by invalids. Distant only a few minutes' ride from these springs, still flourishes a branch of the society of Friends, called Shakers. It was organized in 1779, and was the first society of that denomination planted in the United States.

The homestead in which Mr. Tilden was born, and which is still the property of the family, is a spacious frame building lying a little back from the street, shaded by majestic forest trees and well-affected shrubbery, and bearing the most unequivocal testimony to the relative worldly prosperity and social importance of its occupants.

Mr. Elam Tilden was a thoughtful man, the oracle of the village on most questions of public concern, a great admirer of President Jackson, and the neighbor and life-long personal friend of Jackson's successor, President Van Buren, who frequented his house and prized his political sagacity and judgment.

A more or less confidential correspondence with Senator Wright, which still survives, shows what value was attached to his political judgment in Washington; while, from his contributions to "*The Columbia Sentinel*," a weekly paper published in a town adjoining New Lebanon, we learn that he was regarded throughout his county as a no mean authority upon agricultural matters.

Mrs. Tilden was an affectionate and devoted wife and mother, and her children never ceased to be the objects of her supreme solicitude. Her mother's youngest sister was the wife of Moses Younglove, whose adventures as a prisoner after the battle of Oriskany have been already referred to.¹ Having no children, they adopted Polly Jones, Mr. Tilden's mother; and theirs was, and continued to be, her home and that of her family while Mr. Younglove lived.

¹ For full details of his captivity and sufferings, see Supplement.

Doctor Younglove was a man of prodigious energy and force of character, and was regarded with the profoundest reverence by the younger members of the family. His sufferings during his captivity were such that he could never after endure the sight of an Indian, and he had almost an equal aversion for an Englishman, a Tory, and a Federalist. He survived his captivity some fifteen years, but he never entirely recovered from its effects upon his health. He was a warm partisan of Jefferson and Madison, and neglected no opportunity of impressing upon his adopted grandchildren a respect for their political principles and examples. Mr. Tilden used to tell the following very characteristic anecdote of this uncompromising old Democrat which he had from the lips of Mr. Van Buren himself, who was fond of repeating it.

It was in 1812 and during the war then waging with England, and commonly styled by its partisans "The second war for American Independence." Younglove was a fervid partisan both of President Madison and of the war. Van Buren was a candidate for the State Senate. On the day of the election Van Buren had seated himself on an elevated seat overlooking the polling-officers. In due time the tall figure and high-crowned white hat of Doctor Younglove was seen to enter and approach the inspectors. After very deliberately removing his white hat, he proceeded to put on his spectacles, then taking a ballot from his pocket he read it through with great care, and, while handing it to the inspector, said, bowing at the same time toward Mr. Van Buren with a critical smile, "I do not vote to-day for senator."

The trouble was that the old gentleman suspected Van Buren of being a little too well disposed towards Gov. De Witt Clinton, who was then a candidate for the presidency against Madison, and although the doctor had been a life-long friend of George Clinton, he would have nothing to do with any ticket contaminated with even a suspicion of disloyalty to Madison.



THE TIDEN HOMESTEAD, NEW LEBANON.

Four years later Mr. Van Buren was a candidate for reelection to the State Senate. In the interval between the previous and this election, Van Buren had been a most effective champion of the administration of Governor Tompkins in its efforts and sacrifices to support the federal government in the war. He was sitting at the same place as before at the polls when Doctor Younglove came in to vote. The doctor again approached the polls, took off his big white hat with customary deliberation, put his spectacles on his nose, read his ballot with care, handed it to the inspector, and said, bowing at the same time to Mr. Van Buren, "I vote for senator this time."

Mrs. Doctor Younglove seems to have had a more direct and manifest influence in opening the mind and shaping the taste of Samuel during his tenderer years than any other person, his parents not excepted. She was remarkable in many ways. The fearful trials of her husband as a prisoner in Canada; the terrible stories of the massacre of numerous members of her family within the memory of people then living; and the tribute of lives and blood which her family had paid in the war of Independence, and in the war of 1812, had stocked her memory with wonderful experiences, all of a character to impress and thrill youthful imaginations. She had withal a marvellous talent for narration. Mr. Tilden used to say that if she read a story or interesting novel, she could repeat it with such fulness of detail as to consume several hours, to the inexpressible delight of her youthful auditors.

Her memorable experiences had naturally led her to take the greatest interest in political questions. In his genealogical record Mr. Tilden relates that when the letters and papers of Thomas Jefferson were first collected in print in 1829 (the year, by the way, of her husband's death), she purchased a copy, which she covered with tea-colored muslin. This work, particularly the last volume, was a favorite study with her, and she circulated it among the younger

members of the family. "I read them over," says Mr. Tilden, "again and again, and thus became thoroughly imbued with Jeffersonian political ideas."

Mr. Jefferson's political standard more than those of any other statesman, living or dead, were Mr. Tilden's political standards throughout his life. I do not know that anywhere, in so few words, can be found a more clear, compact and comprehensive statement of the obligations of his country to Jefferson than Mr. Tilden gave in a letter which he wrote four years before his death, in reply to an invitation from the Jefferson Club, of New Haven, to be present at the commemoration of the birth of the author of our Declaration of Independence. He describes Jefferson as "among the earliest, most resolute, and most steadfast of the patriots who upheld the popular rights in the incipient struggles of our Revolution, when the part he took required a higher order of courage, of self-denial, and of genius than were necessary at any subsequent period of our history. He penned the immortal statement of the principles that led our ancestors to assert the independent existence of our country, and which has been substantially adopted as a model for every people who have since attempted to establish national independence on the basis of human rights.

"He was first in his day to completely emancipate his own mind from the monarchical and aristocratical traditions which still enslaved most of the best intellects of the country. But the obligations of the world to Mr. Jefferson do not end here. On the completion of the Federal Constitution, Gouverneur Morris, being asked what he thought of it, answered: 'That depends upon how it is construed.'¹

¹ Mr. Tilden's allusion to this observation of Morris recalls a passage in one of the letters of Bolingbroke to Drummond:

"There is, I dare say, no one disaffected man in the queen's dominions but who will engage to be of no party; to be as hearty as any man where the queen's honor or the nation's good is concerned. These are vague and uncertain propositions which tie him down to nothing, *because he is to expound them himself.*" — *Bolingbroke's Works*, Vol. I. p. 24.

After the organization of the federal government, a powerful class sought to impress upon it in its practical working the features of the British system. Mr. Jefferson was the great leader of the party formed to resist these efforts, and to hold our institutions to the popular character which was understood to belong to them when the Constitution was ratified by the people."

"When elevated to the presidency," adds Mr. Tilden, "he put the ship of state," to use his own expression, "upon 'the Republican tack.' He arrested centralizing tendencies; reinvigorated local self-government; restored the rights of the States, and protected and enlarged the domain of the individual judgment and conscience. For eight years he administered the government, and for sixteen years it was administered by his pupils under his observation and advice. Thus was established a habit which largely shaped the standards for the guidance of the popular judgment, the modes of thinking of statesmen, and the general course of government for sixty years. . . .

"Mr. Jefferson gave to our administrative system an aspect of republican simplicity; he repressed jobbery as well as all perversions of power, and by his precepts, his influence, and his example elevated the standard of public morals. In his personal practice he was not only pure, but, to make his example more effective, he refrained, while administering the greatest of official trusts, from all attempts to increase his private fortune, even by methods open to every private citizen."

The father of Mrs. Younglove represented Dutchess county in the State Legislature nine times between the years 1782-1793, a circumstance further calculated to give Mrs. Younglove and her family a more than ordinary interest in political matters.

When young Tilden was about three years old he experienced a severe illness, from the consequences of which, or more probably from the effects of the drugs administered to

him in the course of it, he never entirely recovered. As described by his eldest sister, Mrs. Pelton, he became fearfully nervous; he could not endure the sight or presence of the doctor who attended him, and who was therefore only able to visit him when asleep; he clawed the inside of his mouth with his finger-nails till it bled, and he insisted upon being carried in his mother's arms until she was obliged to lay him down from pure exhaustion. The doctor, at his wit's end, administered laudanum, which gave temporary relief, but left him, of course, with a weakened stomach and impaired digestive apparatus for the rest of his days. This medical treatment had also unfitted the lad for the out-of-door exposure and the athletic sports from which boys derive their chief delight, and, to a large extent, their physical symmetry and vigor. He was forced, therefore, to seek his pleasures and recreations within doors, mostly in books, and in the society and conversation of his family, — elderly people, for the most part, — from whom he naturally took, to a considerable degree, his habits of thought, tastes, and opinions. It thus happened that he practically had no youth; he scarcely ever knew intimately any young people, nor did he ever possess any of that facility in the use of his limbs and muscles which boys usually acquire in their hours of recreation.

His illness left little of him unimpaired but his intellect, in which all the physical force and muscular vigor with which at his age young men are usually endowed seemed to have taken refuge from the remorseless artillery of the apothecary.

He read the books which his parents and aunt and uncle Younglove read and enjoyed; he pondered the subjects which they discussed, and tried, not without success, to reach the conclusions that are commonly the fruits of experience, without experience. For the dozen or fifteen years succeeding his illness, he was an anachronism. He did little or nothing that is usually expected from one of his

years. The poet-editor, Bryant, used to give a humorous description of a visit from Tilden, accompanied by his father, to the "Evening Post" office while he was yet in roundabouts, and of the comical deference with which the father would turn to Samuel for his opinions, and of the austere deliberation with which those opinions were unfolded.

Martin Van Buren, who during these years was successively United States senator, governor, and secretary of state of the United States, besides being a resident of the same county, was a warm political as well as personal friend of Elam Tilden, to whom he seems to have given his confidence to an extent not usual with him. This relation made Mr. Tilden's house the resort of the leading public men composing what was then derisively denominated by the opposition the "Albany Regency," and especially of Governor Marcy, Comptroller Flagg, Edwin Croswell, the editor of the "Albany Argus," and Silas Wright, then United States senator.

To the conversation of such men as these young Tilden was one of the most patient and conscientious of listeners. It is not strange that under such auspices political life should have seemed to him the ideal life, and that all his thought, study, and aspirations were fixed in that direction at an age when most boys are satisfying their ambition with a hoop or a kite.

It was mainly from such teachers as frequented the house for a quiet and confidential interchange of political views, and from his aunt, Mrs. Younglove, that Samuel received the rudiments of his education.

The schools at New Lebanon were not continuous, nor of a very high grade, nor was Samuel's health such, for four or five years after his illness, as admitted of his submitting to the confinement of a school. His early education, however, if somewhat eccentric, was not neglected. He read Jefferson's writings until he knew them almost by heart; he had read Jonathan Edwards' famous treatise on the

"Will" before he was fifteen; and before he was eighteen had mastered the contents of Adam Smith's "Wealth of Nations," for a copy of which he had exchanged a gold pocket-piece which had been presented to him.

Born and bred among the traditions of our war for Independence, he early made himself familiar with so much of its history as had then got into print. The facility with which he absorbed knowledge, and the rapidity with which he digested it, led his parents, doubtless under the advice of aunt Younglove, to think him worth the expense of a collegiate education. That they reached that conclusion is the best possible evidence that they had begun to think very highly of his abilities; for the cost of a collegiate education in those days, trifling as it seems in comparison with the expense of such privileges now, was a serious burden even to those who, like Mr. Tilden, were living in comparative ease.¹

The war of 1812, following so soon the more protracted war for Independence, had fearfully impoverished the country. All kinds of business had been paralyzed, capital to revive it was not abundant, and the public credit was seriously impaired. The general depression was felt acutely in small towns like New Lebanon, where the population for miles around depended for subsistence almost

¹ Aside from travelling expenses, the average annual expense of a collegian in New England during the first quarter of this century was about \$250. William Cullen Bryant paid one dollar a week for his board and instruction while fitting for college.

When Doctor Guthrie, one of the most celebrated of the Scotch preachers of this century, entered the University of Edinburgh, November, 1815, he paid one dollar and a quarter a week for his room, which served as bedroom, parlor, and study in one, coals, attendance, and cooking included. "The usual bill of fare," he has told us, "was tea once every day, oatmeal porridge twice a day, and for dinner fresh herring and potatoes. I don't think we indulged in butcher's meat more than twice during the whole first session at college, nor that, apart from the expense of fees, books, and what my tutor received, I cost my father £10."

There was no provision here for football or boating matches or theatre parties or champagne suppers.

entirely upon the tillage of the soil. So long as the people were contented with the commodities which their town or country produced, they could, by exchange, get on very comfortably without much money; but when it became necessary to procure what the neighborhood did not produce (and an academic education was of this class), money was required, and for a collegiate degree a sum which to the parents of those days was far from inconsiderable. However, it was thought to be the best use father Tilden could put his money or his son to, to educate him for some intellectual profession; and, in accordance with that conclusion, the young philosopher was sent to an academy in Williamstown, in the State of Massachusetts, in the spring of 1830 and in the sixteenth year of his age, to be fitted for college.

Of Samuel's brief experience at this academy we know nothing save what we gather from his correspondence with his family, which, though not copious, occasionally gives interesting glimpses of his habits of mind at that early age, and of the conditions and limitations, physical, financial, and educational, with which he had to contend.

In a letter written to his father in June, 1830, we see a curious evidence of the authority he had already acquired, not only in his own family, but in the New Lebanon community. He had left home charged with the commission to find a suitable teacher for the school at New Lebanon. In this letter he thus reported on a candidate by the name of Darby:

"Mr. Darby is anxious to hear the result soon, so as to prepare to come if you employ him. He comes highly recommended and I doubt not that he will answer your purpose well." He then goes on to personal and more interesting matters. "I wish you would enclose two or three compositions which may be found in my bureau.¹ I

¹ These compositions were carefully preserved by Mr. Tilden, and are now in the possession of the Tilden Trust.

wrote for some articles of clothing—two pairs of stockings would be sufficient. It has not rained for these two days, and I hope to have some dry and pleasant weather. I have at last been able to procure a recitation in French—six recitations of an hour per week for forty-two cents. I can discontinue them any time. I believe Mr. Darby has a little French. I will do about continuing the recitations as you write. I wish Moses would send up the 'Evangelist,' 'Pittsfield Sun,' and once in a while the 'Traveller.' I wish some of you would write often and let me know what is going on."

"How and where is Smith?¹ What is the prospect? Are you enquiring or have you found a teacher? I want to hear the news. I rise every morning between half-past four and half-past five—go to bed between nine and ten. I cannot say that I am as much pleased with the academy as I had anticipated, but I can get my lessons and recite them. I can learn pretty fast."

"I think you had better get a teacher, and, if Smith stays, hire a room to prevent the scholars from leaving, and *prepare for getting scholars in the winter*. If the school is discontinued now, it cannot get started this winter."

Two days later he writes again about the school. The Doctor Griffin referred to in this letter, whose recommendation is so freely criticised, was then president of Williams College.

"WILLIAMSTOWN, Monday, June 21, 1830.

"DEAR PARENTS:

"I should have written before, but I missed the mail, and now have little to say.

"Doctor Griffin says: Tell you that he can furnish you with a teacher who will suit you. He mentioned S——. But I doubt whether there is any probability of obtaining a teacher here. The doctor has generally a considerable number of applicants for places, and would probably give *any one* or *anything* a recommendation. I have not as yet had an opportunity of seeing Mr. Lockwood and ascertaining whether there is any suitable person in the senior class,

¹ The name of a man who had been teaching at New Lebanon in a small way.

and have little hope from there. As soon as I see him and make some inquiries, I will write again. There are some tutors here that might answer the purpose, if they could be procured, which is very doubtful,—Tutor Harris and Tutor Lazelle, the latter of whom has taught in the high school at Pittsfield.

“The weather is *very pleasant* except that it rains a great part of the time, and is cold enough to chill a Laplander. I wish you would send by the next opportunity two or three pairs of woollen stockings, and, as I have my washing by the article, a black handkerchief. They have few scholars at the academy, but I have not been long enough to judge as to the teacher. He is a very pleasant man. I study entirely in my room and go in for recitations. It is doubtful whether I shall be permitted to attend the recitations of the French class, but may recite to some scholar. I shall ascertain as to those things when it finishes raining.”

Though Samuel carried through with success his negotiations for a teacher, he seems to have been disappointed with the school at Williamstown, or with some of the other conditions of life there, for he remained but three months. The principal reason for his leaving, no doubt, was his health, which was very delicate. The next two years he resided at home, making the best of such limited opportunities as the county afforded.

Early in the spring of 1832, desiring to avail himself of a higher order of medical skill than New Lebanon could furnish, and not satisfied with the progress he was making in his education, he went to New York to live with a widowed aunt who eked out a scanty income by keeping what was then esteemed a fashionable boarding-house; father Tilden being its financial sponsor.

Samuel soon became his aunt's prime minister, of whose advice and kind offices she was not long in learning the value. The management of her affairs constitutes a topic of more or less prominence in all his correspondence with his family during several succeeding years.

He had not been long in New York before we find him pleading with his father for the privilege of taking some lessons in elocution, which were offered upon what he considered pecuniarily advantageous terms.

The importance which he seemed to attach to these lessons and the vigor with which he pressed his suit, though only on the score of health, suggests a suspicion that he had already begun to indulge a hope that some day he too might be endowed with the charm of eloquence. His family were apprehensive that his lungs were in danger and he was threatened with consumption. They therefore questioned the prudence of his subjecting his chest to the training of an elocutionist. To this he made answer on the 23d of May, 1832 :

"I have reflected more upon the subject of the lessons, but am unable to resist the impression that, so far from being injurious, they would be beneficial to my health. I was first induced by my experience a long time since to believe that regular occupation is not less necessary than regularity of diet or exercise. Exercise itself loses half its value by being without an object. Without occupation, without some stimulus to activity, a lassitude and indisposition to exertion, not less unfavorable to health than to the progress of one's business, unavoidably creeps through the whole frame. More than this, an irregularity of habits, exceedingly pernicious, is and ever must be attendant upon indolence. Vacuity of mind, too, is as prejudicial to health as an exciting, stimulating ardor and activity are beneficial to it. My attention was first called to this subject, and my opinion changed, by an observation of the fact that I have usually declined in health on giving up *regular and habitual occupation*, while I have improved faster while I have been thus occupied. So convinced I had become that I had intended, in case my present course of measures had failed, as more than once has seemed likely, and I should not take a sea voyage, to return home to execute, firmly, a plan deliberately formed."

"Do not imagine that I write wholly at the dictation of my imagination. If I have ever sacrificed my health, it has

been inadvertently done, and through unfavorable circumstances. Many would doubtless tell how confidently they predicted the result. I could tell them, if they were right in *that* it was not because they were not wrong *in the premises*. It resulted from circumstances which they could not possibly have taken into account, and the existence of which I did not know. Severe suffering and disappointment have taught me caution, and it is hardly likely that I shall be [*illegible*] again, unless circumstances over which I have no control occasion it."

He had his way, and for a time took lessons in elocution three hours daily. The improvement of his health was young Tilden's chief motive in going to New York, and constituted his chief preoccupation there. Soon after his arrival, he made the acquaintance of a Mr. Halstead, a law bookseller, and an enthusiastic apostle of a system of manipulating the stomach in a certain class of diseases. It seems to have been a germ of the modern treatment by massage. A gambling sort of faith in drugs, too, had already become so confirmed in him that it was not shaken by more than fifty years' subsequent experience of their ravages upon his constitution.

"I passed a very good day yesterday," he wrote June 13, 1832, "better than any before since I have been here, and feel as well to-day. I have experienced two or three relapses for the last two or three weeks, occasioned, I suspect, by an accumulation of bile.

"I would use faithfully all the means which Mr. Halstead recommends for stimulating the stomach and diet, but yet would be constantly distressed. . . . I found soda to be the best immediate remedy, tho' not as efficient as for acidity of the stomach. I hope to avoid another recurrence of this state of things by yet stricter attention to my diet and the use of Mead's pills. If, however, these means fail (as it is quite probable they may), I shall, upon satisfying myself as to the cause of the difficulty, resort to some cathartic which has an immediate action upon the liver.

"Mr. Halstead has been absent more than a week. He

was expected to return last evening. I shall go and see him and get his advice in this matter.

"P.S. — I have seen Halstead, and by his advice shall take a dose of senna and [*illegible*]. I have no doubt but that my not improving fast has been owing to the want of something of this kind, for whenever I have taken pills I have been better. I will let you know what is the effect. I shall see him again when I return, and perhaps conclude to take the pills. . . .

"I have just been to the 'Courier and Enquirer' office, and read upon their bulletin that Earl Grey, with some others of the ministry, have resigned in consequence of the refusal of the king to create peers. A meeting of three hundred thousand has been held in Birmingham which resolved not to pay taxes, and recommend to refuse supplies, and the 'Times' says there must be a *reform* or *revolution*."

Mr. Tilden in the latter years of his life loved to recall the fact that in one of his *quasi* medical visits to Mr. Halstead's bookstore he met and was presented to Chancellor Kent, with whom he had a half-hour's conversation and the honor, before they separated, of hearing the chancellor read to him his final preface to his "Commentaries." In reply to some remark of Tilden's, the old gentleman said, "The 'Commentaries' shall stand as I now leave them. Notes perhaps, but the text is settled."

Not many days after the last-cited letter was written, Tilden returned to New Lebanon, where, in a desultory and not very satisfactory way, he prosecuted his studies preparatory to entering college. While he did not neglect his Latin and Greek, which required most of his attention, he took a keen interest in the political questions which were always engrossing topics at the Tilden fireside, but never more so, perhaps, than at the time of his return. The presidential election was approaching. General Jackson was a candidate for reëlection, with their friend and neighbor Van Buren on the same ticket for the vice-presidency.

William L. Marcy was the regency candidate for governor of New York.

A coalition was threatened between the National Republicans, who subsequently took the name of Whigs, and Anti-Masons, a party which had been recently born of the excitement produced by the alleged abduction and murder of William Morgan, of Batavia, in September, 1826, for having revealed the secrets of the Masonic society. The success of the Democratic ticket was supposed to depend upon the defeat of this coalition.

One of Samuel's uncles was visiting the family at this time. His mode of treating this crisis especially impressed his thoughtful nephew. He was heard one day to express his regret that he could not put what he thought and felt in writing. For several days after this remark was made, the family saw very little of Samuel, and when they did he seemed absorbed with his own meditations. At length he came to his father with a large roll of manuscript, to which he asked him to listen. The father listened with attention and with satisfaction. Too cautious and distrustful of his own judgment to express all the pride he felt in the performance, he proposed that they should go over to Lebanon Springs, where Mr. Van Buren chanced to be then staying, to see how the paper would impress him. Mr. Van Buren thought well enough of it to suggest that it be signed by a dozen or so of leading Democrats and published in the "Argus," then under the editorship of Edwin Croswell, and the "organ" of the Democratic party of New York. In a few days Tilden was not a little intoxicated with the glory of seeing half a page of the "Argus" devoted to his address, and still more, a day or two later, to see it attributed in the "Albany Evening Journal" to the pen of Mr. Van Buren.

This incident led to a life-long intimacy between Mr. Van Buren and his young friend, of a most confidential character. From that time forth Mr. Van Buren rarely

made any important communication to the public which he did not submit to Mr. Tilden for his criticism, or took any step of political importance about which he did not seek his advice. Nor were these confidences confined to public affairs. In Mr. Van Buren's will, which was drawn by the late Benjamin F. Butler, Mr. Tilden had been named, without his knowledge, the trustee for the execution of several trusts in the interest of his grandchildren. In 1859 the ex-President, then living in retirement at Lindewald, sent a request to Mr. Tilden to come up to see him on a matter of personal concern to himself. It proved that he wished to consult him about his will. In the course of their conversation the fact was disclosed that Mr. Van Buren had tied up his property in a variety of trusts, to guard more securely the interests of his grandchildren. After a night's reflection upon the subject, Mr. Tilden advised him that it was scarcely worth while for a man of his age — the ex-President was then about eighty — to presume to be wiser than events, or to indulge the hope of reversing the order of nature by attempting to make his children dependent on his grandchildren. Not many days after Mr. Tilden's return to his home in New York, Mr. Van Buren wrote that, as the result of much thought about what Mr. Tilden had said to him, he had decided to strike all the trusts out of his will. He at the same time enclosed for revision a skeleton of a will which distributed his estate in the most simple and direct manner.

A bill for the recharter of the United States Bank had been introduced into Congress, and passed by both Houses by strong majorities, at a late period of the session of 1831-2. It was returned a few days afterwards by President Jackson, with his reasons for declining to approve of it. The charter did not expire until 1836; but as the President's views were known to be unfriendly to a renewal of the charter, and as he was to be a candidate for reelection in the fall of 1832, the friends of the bank had

introduced their bill thus early to deter the President from vetoing it, or, failing in this, to have his vote to be used against him in the canvass.

The veto was the signal for the commencement of the most heated and acrimonious political contest which up to that time had been waged in the country. The bank, with its army of officers, debtors, and dependents, constituted no inconsiderable portion of the population of many of the more important States. Its patronage as used in those days was even more potential than that of the federal government. It was during this canvass for the reelection of Jackson, Marcy being the candidate of the Democrats for governor in New York, that a broadside, written by young Tilden, headed in staring capitals, and of a most inflammatory character, signed "George Clinton," was posted throughout the State. This paper is only interesting now for the evidence it furnishes of the corrupt influences which the bank was in that day charged with exerting, and which to some extent compromised many of the most prominent statesmen and journalists of the country.

The delicate condition of young Tilden's health made it extremely difficult to decide upon any plans for his future. This indecision depressed and discouraged him. The Tilden family was a pure democracy, in which every member without distinction of age or sex seemed to have one vote on all questions affecting any of its members. Each one had a plan for Samuel, and no end of criticisms and doubts about the plans of every other of the family senate.

The habit, afterwards so conspicuous in him, of taking the exact measure, weight, and density of every possible objection or difficulty, whether direct or contingent, seemed to be common to all the Tilden household.

The effect upon young Tilden himself of such a multiplicity of cooks meddling with his broth may be inferred from the following letter to his father, pending the debate over the selection of the college in which he should pursue his

studies, the class he should enter, and the teacher under whom, and the time, place, and circumstances under which, he should conduct his preparatory studies. It seems that when he wrote this letter he had just returned from a reconnoitring visit to New Haven.

TILDEN TO HIS FATHER.

"NEW YORK, June 16, 1833.

Evening.

"DEAR FATHER :

"I enclose this, not because it contains anything particularly private, but because I do not wish to give it any *unnecessary* publicity—I do not wish its contents to be a common topic of conversation.

"You well know that I had intended to enter the sophomore (*i.e.*, one year in advance) in some college this fall: I am now as well convinced as ever that I *ought* to do so. Aware that any delay must occasion a delay of a year, or an alternative quite as unpleasant and not altogether without hazard, I felt fully the importance of losing no time. Yet I did not commence studying till the first of December, and consequently had two months less time than my class in which to perform an extra amount of labor. Even then I went forward, calculating something upon the length of college vacations and distrusting little beside my health. *That* I thought to preserve and improve by care not to pass the safe bound, and by the adaptation of diet and exercise; in this I have been entirely successful, and was tolerably well satisfied with the advancement of my studies. It has long been apparent that I could not, without too severe and perhaps hazardous application, accomplish all I wished; so I have at different times yielded a little and a little, at the expense of a proportionate sacrifice of my standing in the class.

"The loss of time while I was at home, which was greater than I expected, embarrassed me yet more. These circumstances, my inability to advance quite as rapidly as I expected *so as to accomplish a given quantity in the time I am to remain here, and the restriction of that time to eight weeks*, render it necessary for me immediately to abandon

the course of mathematics I am upon and adopt a more rapid and perhaps more superficial one.

"Where then shall I go? I must choose between Kinderhook and another project which has been suggested to me. This is to obtain private instruction from a tutor in Yale College, which is often done. I do not yet know that I can obtain *such* an one as I should wish, and upon favorable terms; when I do know, I shall write more particularly.

"If I could, this plan would have some advantages. I could pursue my studies with more direct reference to the state of things in college, and with more certainty of knowing how far I should be prepared to compete with my fellows. If everything, teacher, terms, etc., should be favorable, would you consent to have me spend the next quarter in New Haven?

"I have been induced, by circumstances already mentioned, to hesitate whether I would not spend yet another year in preparatory studies. There are considerations which weigh upon both sides of this question. In consequence of the great loss of time I have suffered, I cannot otherwise be placed upon a fair ground of competition with my class. Not that under any circumstances I fear being for any length of time behind a majority of them; but I never would make *mediocrity* my aim in anything, certainly anything of this kind; low indeed is his standard who seeks a mere equality with his fellows; dishonorable and criminal it is to fix so base a standard in anything *worthy of pursuit*.

"Look about you and see what equality with the *mass* of mankind is, and you will accord the justice of these remarks. Besides, a tolerably thorough preparation would relieve me from some exertion, prevent its being excessive, and thus be conducive to health. Besides, it would enable me to avail myself more fully of my advantages, finish myself more exactly, and allow me some time for general improvement.

"On the other hand, I am growing *old*; to take four years and three for a profession (if I should have one) would send me upon the world at between twenty-six and twenty-seven, a time when a man ought to have *accomplished* something.

"I am weary of the changes and the selection of

teachers. It has been troublesome and vexatious to me, and indecision has occasioned so much loss of time. I desire to be settled permanently where the teachers will be fixed and the terms of study and the vacations be established, so that I may no longer be distracted between the convictions of duty and true interest and the solicitation of friends, or harassed with jarring counsels or my own indecision.

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"I resume my letter. I returned yesterday afternoon from New Haven, where I went on the day before. I do not know whether it will be *necessary* for me to wait another year or not. It is certain that, if I do not, I must enter without having read all the Latin and Greek that a great majority of my class have; whether my habits of mind and the manner in which I have read what I have would supply the deficiency, it is difficult to say. I am exceedingly anxious not to wait longer without it is absolutely necessary. It would perhaps be best for me in any case to go for a quarter to New Haven, and by reciting to one of the tutors, or one some way connected with the college in that place, to test the question. *Private tuition* can be had there for about the sum I have paid thro' the winter; board and room for from 16 to 18 and 20.

"The place is very beautiful, yet would not seem so much like home to me as many others.

"I shall write again soon, and then I will say something as to the different institutions. I have written most of this letter on board of the steamboat, which had a motion unusually tremulous. I would copy it with More's steel pen (with which I am now writing) if it were possible to do so in time for the mail. It is extremely important that you lose no time in answering this; for if I leave this city for *any place*, I should like to do it very soon. I hope you will answer me *fully*, too; for I must make my calculations, and if I know what your determinations are I shall not have to change them. Write about the ink and books also.

"Yours,

(Signed)

"S. J. TILDEN.

"P.S. — It is nearly three weeks since I have received a letter from home."

While the thesis so earnestly elaborated in this letter was under consideration in the family council, Samuel was keeping a sharp eye upon the courses of the ship of state.

Some planters in South Carolina, under the leadership of John C. Calhoun, were restless under the tariff acts of 1828, commonly and not unjustly denominated the *Bill of Abominations*, and under the failure of their efforts satisfactorily to modify it in 1832, and justly indignant at the discriminations of both acts in favor of Northern industries, signified their intention to avail themselves of what they claimed to be the reserved right of every State, as an independent party to the original compact of States, to disregard any legislation of the federal government — to use their own expression, to “nullify” it — whenever they were satisfied that such legislation was not in accordance with their view of the conditions upon which the Union was formed. They took the ground that the power to withdraw subsisted as completely after the Union as the right not to enter existed before the Union.

Under the provocation of this defiant attitude on the part of these nullifying statesmen, President Jackson issued his memorable proclamation, warning the people of South Carolina and their sympathizers of the perils of their attitude towards the general government, and giving them to understand that the Union must and would be preserved at all hazards.

This proclamation was followed in January, 1833, by his “Nullification Message” to Congress, and by the introduction into Congress of a force bill designed to secure the prompt collection of the revenue in South Carolina, should the threatened resistance be offered. This was followed by the introduction and final adoption of Mr. Clay’s “Compromise Tariff.”

Young Tilden watched the evolution of the centrifugal forces in our Constitution which were developed in this nullification controversy, but not as an idle or indifferent

spectator. He used such weapons as were at his command, with no inconsiderable skill, in defence of the President and the indissolubility of the Union. In the "Kinderhook Sentinel" he published an article entitled "Nullification and the Opposition," and in the "Columbia Sentinel" he published another article on "The Clay Compromise of 1833 and Nullification."¹

These papers are only noticeable for the judgment and tact with which the points of attack are selected and arrayed, and the evidence they afford that the author already wielded the pen of a formidable partisan.

But then, as in his maturer years, Mr. Tilden was not the uncompromising advocate of extreme measures when dealing with public opinion or sectional interests. Of this an interesting illustration is given in the following extract from a private letter which found its way into the columns of the "Columbia Sentinel" of January 17, 1833. It must have been written some days before the appearance of President Jackson's nullification message, which was sent to Congress on the 16th.

"I am decidedly friendly to a protective system (though not a prohibitory one) and should regret exceedingly to see it abandoned, but if it can only be sustained by producing such deep and settled dissatisfaction as exists at the South, and which has enabled a few disappointed demagogues to bring us to the very verge of disunion, *it must go*. Mutual conciliation and compromise is preached from every quarter, but every man seems waiting for his neighbor to *practise* it.

"Let us then set the example. Let us meet our opponents on the middle ground; and if that is not sufficient, let us go farther. Let the protection system be made a peace offering on the altar of union. Let the protection of our manufactures be reduced until it can fairly be considered as incidental, but let this be so gradually done as not to ruin the thousands who have engaged in them, and to whom the

¹ "Writings and Speeches of Samuel J. Tilden," Vol. I. pp. 11-26.

faith of the nation is virtually pledged. I must confess that so far as I have considered the *project* of the Committee of Ways and Means, it seems to me, to say the least of it, too sudden in its changes. I can see neither the justice nor propriety of bringing real evil, if not ruin, upon one class of our citizens, in order to hasten the period in which we shall redress those of another class which are believed by the majority to be in a great measure imaginary.

"Nor do I think so meanly of our Southern brethren as to believe they require it. I am much more sanguine than you express yourself to be, in the expectation that the present Congress will provide for a reduction of the tariff so as to satisfy all who are willing to be satisfied; and I hope that, in doing it, they will avoid those sudden changes which are the bane of our legislation."

In this letter, written in his nineteenth year, is the first if not the only place in which Mr. Tilden ever volunteered his personal opinion upon the subject of protective tariffs until he became a candidate for the presidency, and it may be worth while to allude briefly to some of the circumstances which doubtless had their influence in shaping it on this occasion.

Silas Wright, the close political friend of Van Buren and Jackson, had been elected to the Lower House of Congress in 1827. He was then in the thirty-second year of his age. He was placed on the Committee of Manufactures; advocated and voted for the tariff act of 1828, as did most of the delegation from New York, the sentiment of the State, outside of New York city, being practically unanimous in favor of the principle of protection.

Mr. Wright lived not only to regret this vote, but in the most public way to apologize for it. On the passage of the memorable tariff law of 1842, and then being the leader of the Democratic party in the Senate, he made the *amende honorable* for this vote in the following terms:

His first service in Congress, he said, was as a member of the Committee on Manufactures in the House of Representa-

tives during the session of 1827-1828, when he assisted to form, and voted for, the tariff bill of 1828, which has been so extensively denominated the "Bill of Abominations." He was then wholly without experience in legislation of this class and character; but his experience from that action had taught him the truth of the adage that "men's evil deeds follow them." He became very soon convinced that he had committed a great error on that occasion, and it was possible he was about to commit another as great now. It grieved him to know and feel that many friends within the reach of his voice, whose judgment he most highly respected, and whose good opinions were most valuable to him, would so look upon his present vote. He could not. The occasions appeared to him to be wholly dissimilar. The tariff of 1828 was avowedly passed for protection, and if considerations of revenue had any connection with it, they were only incidental to the main object of protection. There was no complaint of want at the Treasury; no alleged necessity for increased revenues; and no blemish upon the public credit, so far as his recollection served him.¹

It will be observed that in 1842 Mr. Wright had abandoned the doctrine of "protection for the sake of protection;" had already reached the conclusions announced in his famous Watertown speech in 1844, in favor of "a tariff for revenue with incidental protection," on which the battle was fought which resulted that year in the election of Mr. Polk to the presidency.

Nine years before Mr. Wright's *peccavi*, and eleven years before his Watertown speech, it is worth noting that Mr. Tilden, in the letter last quoted, had taken the same ground. "Let the protection of our manufactures," he said, "be reduced *until it can be fairly considered as incidental*." He was familiar with the economical teachings of Adam Smith, which it is safe to say Mr. Wright was not, and it is doing the latter no injustice to suspect that his young friend in

¹ Niles' Register, Vol. XLIV. p. 24.

New Lebanon had something to do with the abandonment of the views he had professed in 1828, and with the adoption of those he avowed in 1842 and 1844.

The tariff was one of the very few questions of public economy controverted in his time which Mr. Tilden never publicly discussed. Though later in life his views of the protective system, as set forth in the above-cited private letter, underwent considerable modification, and he would have declined to be classified as a protectionist, the conflicting pecuniary interests involved in the question during his time were so enormous and so utterly irreconcilable that he never saw the moment when he thought it wise to make of it an issue in our national politics, nor an obstruction to the success of other practical measures.

At this early age, as throughout life, the question with him was not what was the best that can be imagined, but what is the best that can be done.¹

Mr. Van Buren's election to the vice-presidency in 1832, having made him the most prominent candidate of his party for the presidency to succeed President Jackson, drew upon him the hostile fire of all the partisans of rival candidates. Mr. Tilden, of course, promptly enrolled himself among the Vice-President's active champions. In the "*Columbia Sentinel*" of September 12, 1833, appeared an article from his pen not unworthy of a preferred place in the literature of American politics, though the grounds upon which he rests Mr. Van Buren's cause are, I fear, upon a higher plane than would be effective in modern politics.² In the course of this paper he says:

"The causes of Mr. Van Buren's success are obvious and simple. Never rash nor extravagant either in action or opinion; guided more by the influence of judgment than the impulse of passion; sagacious in foreseeing the effects and prudent in the adoption of measures, — he has avoided the

¹ He was elected an honorary member of the Cobden Club in 1877.

² "*The Writings and Speeches of Samuel J. Tilden*," Vol. I. p. 25.

errors into which most politicians have fallen. With happy conversational powers, an insinuating address, and an amiable disposition, he never fails to gain the affection and confidence of all with whom he has intercourse. Combining, with those qualities, great talent, untiring perseverance, and an intuitive and unequalled knowledge of character, he possesses a remarkable degree of ability to concentrate and wield the energies of men.

"One thing more is necessary to account for his extraordinary success and his imperviousness to every assault. It is the force of public and private virtue. There is a magic in the direct pursuit of a virtuous course which the vicious cannot understand; they do not feel its influence, they cannot comprehend its power. In every age the most important and glorious results of virtue and of talent have been attributed to the arts of intrigue or the aid of magic."

Mr. Tilden's name figures also among the speakers at a meeting of the Democratic-Republican young men of New Lebanon, on the 19th of September, 1833, which the local paper represents him to have addressed "in a spirited and eloquent manner." He also figures, with his brother Moses, among the delegates from New Lebanon to a county convention to be held at Hudson to ratify the nomination of Jackson and Van Buren for president and vice-president, and Marcy for governor.

At the Hudson convention, on his motion a general corresponding committee for the county was appointed, of which his elder brother Moses was made chairman. He also wrote "The Address of the Convention to the Democratic Young Men of the County of Columbia," which is a merciless indictment of the United States Bank, the charter of which had expired, and the friends of which were clamoring at Washington for a recharter.

While the address revealed some of the inevitable intellectual limitations of a lad of only nineteen years, it revealed yet more distinctly the intellectual resources of a thoughtful, earnest, and logical mind. He denounces the bank —

1st. For debauching the press.

2d. For acquiring by its favors an undue influence over the members of Congress.

3d. For deliberately, and with malice aforethought, deranging the currency and disturbing the exchanges with the view of producing widespread commercial embarrassment, in the hope thereby to extort from the fears and necessities of the people a renewal of its charter.

4th. For refusing to submit its conditions and operations to congressional investigation, upon the extraordinary ground that it should not be required to criminate itself.

He then considers the consequences, if it should succeed in securing a recharter; how "the capitalist class had banded together all over the world and organized the *modern dynasty of associated wealth*, which maintains an unquestioned ascendancy over most of the civilized portions of our race, and which is now striving to extend its dominion over us," — the United States Bank being the Briareus with its hundred arms by which this dominion is being established in the United States. He then asks:

"Are these apprehensions of the tendency of our moneyed system unfounded? We point you to the admonitory example of the nation from which we derived that system. What is it which has hung for ages like an incubus upon England, repressing the rising spirit of freedom, and paralyzing every effort to ameliorate her political condition, which, at this moment, exerts an influence over her far more mighty than that of her hereditary aristocracy, and, in truth, sways her destinies? A heartless, soulless moneyed power — a tyranny sternly inexorable and unrelenting, when, as in the recent glorious struggles for reform, even the monarch and many of the titled nobility were ready to yield something to the just complaints of an oppressed people. And can we be insensible to the rapid and fearful strides which the same power is making in our own country? Are not monopolies and corporations springing up like hydras in every part of the nation? Are they not obtaining an alarming ascendancy over our legislative

bodies, and over the people themselves? Is not the most mighty and dangerous of them now convulsing the country by its struggles for continued existence? Has it not already arrayed the rich as an associated class in its support? Has it not assailed the purity of the press, the fidelity of our representatives, and the freedom of our elections, the three great pillars which support the noble superstructure of American liberty? Has it not betrayed the just authority of Congress, and, with reckless audacity, dared to dictate to us the choice of our rulers? Has it not, by its control over the currency and business of the country, spread far and wide dismay, misery, and ruin, that it might coerce and intimidate the people to an acquiescence in its wishes? Has it not engaged in an organized effort virtually to rob the mechanics and working classes of the right of suffrage, by driving them from the employment upon which they and their families depend for subsistence, unless they would surrender this dearest birthright of freemen to the dictation of those who, by means of their wealth, possess an accidental power over them? And if it be successful in effecting a recharter, is any one so infatuated as to hope that, when the time for another renewal recurs, its application can be resisted? If Andrew Jackson, with a long life of glorious public service, with a degree of popularity and public confidence never enjoyed before save by the Father of his Country, and sustained by a party numerous, united, and powerful almost beyond example — if he is unequal to the conflict, who shall hereafter dare encounter its peril and hazard? or who, having the patriotism and the firmness to make the attempt, can have the slightest chance of success? No, fellow-citizens, this contest can never be refought. Give to the bank extended existence, postpone the struggle now when you are better prepared to meet it than you can expect ever again to be, allow the bank to inweave itself more closely with our commercial system, and to strengthen its alliance with the wealth of the nation, — and every effort to resist its power hereafter will be fruitless. In practice, it will be perpetual. It will exist forever, the centre and stronghold of the money power. New exclusive privileges will soon be demanded. The means now employed to effect its designs, if once successful, will again be resorted to and be again successful. It will assemble around it all the rich and aristocratic, giving unity to their efforts and

wielding their energies, till finally, as with advancing time wealth accumulates and poverty becomes more excessive, A MONEYED ARISTOCRACY will hold undisputed sway over this now free and happy people."

During the winter following these proceedings, he prepared a really exhaustive argument to prove that the Treasury is an executive department of the government. President Jackson had removed Mr. Duane from the office of Secretary of the Treasury, for refusing to comply with his request for the removal of the government deposits from the United States Bank, where he thought them insecure.

The friends of the bank in their desperation took the ground that the Treasury was not an executive department, and therefore its Secretary was not removable at the pleasure of the President. Mr. Tilden's argument¹ is a model State paper, and might have come from the pen of any member of the President's cabinet without prejudice to his reputation.

In a letter to his father dated 22d of March, 1834, he shows that he was also taking a lively interest in the New York municipal election then approaching, which resulted in the choice of Cornelius W. Lawrence for mayor.

"The money market is becoming easier; stocks have risen considerably, especially those which possess only a nominal value. Exchange (foreign) is going up; some bills sold yesterday, I understand, at 100½. The panic has nearly spent itself; the effects of the cash-duty system are mostly over; and, above all, business is assimilated to the present condition of things. If nothing unusual occurs, I see no reason to doubt that three months hence will find everything quiet and prosperous. The charter election will be fierce beyond parallel. The combinations—the machinery which the opposition are putting into action—are wonderful. They will no doubt gain much from the infuriation of many of the merchants, and the aid of many who have not heretofore engaged actively in politics. I

¹ "Writings and Speeches," etc., Vol. I. p. 28.

cannot think the nomination of Lawrence the most judicious; for I have observed that negative men, men who are not particularly *identified* with principles or measures obnoxious to any part of the community, succeed best. I am not confident, however, that a better selection could be made. The opposition are raising enormous sums for the election expenses. Some time ago they had obtained \$20,000, and have now, no doubt, increased that sum.

"I know of one firm, not doing more than an average business, who were *taxed* (and this was a proportionate assessment, as it was regularly taxed) and paid \$50. Some pay many times that amount.

"These things, and, what is more important, the feelings which produce them, must have a great effect. On the other hand, I rely much upon a radical and deeply seated hostility to the bank which I believe to exist among the middle and lower classes. Among the counter influences will be the reaction of an attempt (and there is abundant reason to believe a very general, if not concentrated, attempt) to intimidate and coerce the mechanics and laboring classes.

"We of the country can hardly conceive of such a thing, but one acquainted with the structure of New York society can readily account for it. I do not expect it to be so indignantly and overwhelmingly resisted here as it would be in the country; some men even think the influence will be greater than the reaction, but, judging from human nature as it exists everywhere, and relying upon feelings so deeply implanted in the human heart that, however they may be modified by circumstances, they cannot be eradicated, I think that all that is wanted to ensure for us decisive benefit is perseverance on the part of those who are attempting this high-handed and daring invasion of the right of suffrage and the freedom of opinion.

"[Gideon] Lee, who would probably have been a stronger man than Lawrence, would have been nominated if he would have accepted. The opposition tried to induce him to receive a nomination from them, but he refused, saying that all his political consequence had been acquired at Tammany Hall, and that he would stay there; that he was in the same boat with Jackson and Van Buren, and he would sink or swim with them. As a matter of prudence and safety, he afterwards declined *any* nomination. It is

well understood that Old Nick has his screws upon him. His partner is a United States Bank director, and their firm are supposed to have a rather larger discount account with the bank than, in the present state of their affairs (the leather business having suffered much more severely than any other), it would be convenient to close.

"I have it as a profound secret that the 'Standard' also is upon the rack, ready to be broken at any time Old Nick¹ may turn the wheel. Mumford left it encumbered with a load of debt, but the establishment must be in a prosperous condition, as it has been *wholly* supported by its collections. Efforts were making on Saturday (with what success I have not learned) to get it in the hands of some one in whom the party have confidence, and to relieve it of its debts. As usual, the opposition are sure of success. Nevertheless, I think that Lawrence will be elected, by from two thousand to four thousand majority.

"The late news from Virginia is of the most favorable kind. The election of Bouldin was a great triumph. Now that Webster has introduced his bill, and the nullifiers must declare themselves, and especially that the appearances in Virginia are so threatening to them, the nullifiers are going back. The opposition in the House are broken — they cannot now depend upon the Southern members. The prospect is very fair that we shall prevail in Virginia, and that Rives will be returned to the Senate. That would be a most glorious triumph."

About this time young Tilden's nerve was subjected to an unusual and severe test. The Mr. Huntington referred to in the following letter was a merchant of about thirty-five years of age, who was boarding with Mr. Tilden's aunt, and who died there of small-pox, the result apparently of a false diagnosis of his case by his physicians. Two of the servants in the house also died soon after.

Young Tilden was the only person who slept in the house the night following Mr. Huntington's death; the rest of the boarders and servants having fled.

¹ Nicholas Biddle, President of the United States Bank.

TILDEN TO HIS FATHER.

"NEW YORK, 29th April, 1834.

"DEAR FATHER:

"Mr. Huntington died last evening at about ten, and was buried at about the same hour this morning. For two or three days previous to his death he was most of the time delirious. The disease passed its crisis on Monday; and the question to be determined was whether his system retained sufficient vigor to re-collect its shattered energies and resume its usual functions. He received food yesterday with reluctance, difficulty, and consequently, I suppose, in small quantities, and, unsustained at this critical moment, nature yielded.

"I doubt whether if he had been able to receive nutriment, it would have availed more than to prolong for a very short time his suffering; for I can hardly conceive how even a vigorous constitution could disencumber itself of such a mass of disease as he is represented to have been. The error was in the commencement of the disease, when it was considered by him and by his physician as a fever resulting from a cold; and, fatally for him, treated as such."

"After its character became apparent, the treatment was for the most part analogous to that of Doctor Younglove. Through the whole of his sickness he never saw one of his relations. His brother, living in this city, considered the disease as rather troublesome than dangerous. His father, deceived till quite lately by flattering representations, arrived this morning, but not until his coffin had closed upon him forever. I cannot sympathize very much, however, with the reasons which kept them from him. His appearance was represented to have been appalling beyond conception. There is reason to believe from what fell from him in his lucid intervals that he was aware of the change he approached, and met it with fortitude and with hope.

"Things look rather squally in Virginia. I very much fear that there will not be a majority of the Legislature friendly to Rives. The opposition claim large majorities. Ritchie claims a tie, or nearly so. We have lost several important men — Hugh A. Garland, author of the Virginia

Minority Address, and William H. Roane, a son of Judge Spencer Roane, and a grandson of Patrick Henry, and withal an able and true man. I have no doubt that the Protest lost us the latter. It just arrived at the moment of the election, but the Explanatory Message was not received in time to correct its perversions."

CHAPTER III

Enters Yale College — Dietary troubles — Death of his brother George — Leaves college in ill-health — Advice for Van Buren — Enters the New York University — Leggett and the "Plaindealer" — Financial crisis of 1836-7 — Marcy and Tilden begin to diverge — Tilden's reply to "Marshall" — The Independent Treasury — Prepares an Address from the Mechanics and Workingmen of the City in its favor.

It was ultimately decided that young Tilden should be sent to Yale College. He matriculated there in June, 1834, and in the last quarter of the Freshman year. Among his classmates, sixty in number, we find the now well-known names of the late Chief-Justice Waite, William M. Evarts, Edwards Pierrepont, and Benjamin Stillman.

It was not, however, in the order of Providence that that venerable seat of learning, upon which one of his kindred had conferred his name and yet more substantial benefactions, was to have the honor of seeing Tilden's name enrolled among her graduates. The diet, the climate, and the confinement affected him so unfavorably that, when he went home for the Christmas holidays, he was so completely broken down in health that it was decided he should not return.¹

Two or three of his letters to his father during his connection with Yale College have been preserved, which possess a certain interest, less for the light they throw upon the educational advantages he enjoyed there than upon the material difficulties which he encountered and the very characteristic manner in which he contended with them.

¹ Tilden did not reside in the college buildings, but had lodgings in the house of a Mr. Gardner, below the Tontine, in a street at right angles with the front of the college buildings. At first he took his meals at the Commons, but finding the diet unsuited to his delicate stomach he soon made different arrangements.

On the 6th of June, 1834, and only a few days after his arrival at the college, he writes to his father:

"I am nearly convinced that I shall be obliged to give up boarding at Commons. I have had two days' experience, and will give you our bill of fare. Day before yesterday morning we had a dish of meat, very fresh bread and butter, coffee, and nothing else whatever. At dinner, boiled shad and potatoes, fresh bread and butter and rice pudding, enough for those who could eat such things. At tea, fresh bread and butter and cheese and some molasses cake, which, by the bye, comes only occasionally. The next morning, shad and potatoes and fresh bread and butter again. Either of these articles I could sometimes eat, but could not do it constantly. I have not been as well as common for a few days; and when I study, it is necessary to diet with more care than when engaged in other employments, or in nothing. The bread has been uniformly newly baked, and, as I think of all the New Haven bread I have seen, slackly baked, and yesterday it was scarcely cold; and I could procure no other. I shall see to-day what I can do, and unless I can be assured of well-done and stale bread shall board with Mr. Goodman. Perhaps it is best to do so at once. The butter is pretty good."

One cannot help inferring from this criticism of the Yale Commons *menu* of that day that the dietary which would have suited Tilden would not have been popular with many of his comrades.

On the 13th of June he writes again: that he has left Commons and that his "health is decidedly better and improving."

On the 30th of June he writes that his health had recovered from the shock it had received when he first arrived there, and that he proposed to indulge himself in a few horseback rides. He hints that it would be too expensive to continue long. His devotion to the college curriculum did not prevent his keeping a strict reckoning of all

the misdeeds of the Whig Senators at Washington, nor from conning faithfully the columns of the "Albany Argus," whenever he could induce the family to remember to send it to him.

In 1834 the Senate rejected President Jackson's nomination of Stevenson, of Virginia, as minister to England.

"I cannot see what motive," wrote Tilden, "save the most unaccountable malignity, could have brought the Senate to the act. What will be the effect in Virginia?"

On the 3d of July he writes his father :

"My health rather improves, and if it be possible must improve more, for the embarrassments of broken health in the situation in which I am are indescribable. Seven weeks will be quickly gone ; and I say (what I am not at all apt to do) the sooner the better."

While he was at New Haven he received the news of the death of his brother George, who was three years his junior. In a letter from Samuel to his father on this subject there is the following inscription for his brother's tomb, presumably written by him :

In memory of
GEORGE FREDERICK TILDEN,
Son of Elam and Polly Tilden, who
died July 12th, 1835, aged eighteen years,
six months, and six days.

This monument is erected by him who best knew his virtues, and affectionately cherishes a recollection of them.

In his anticipations of improved health he was disappointed. So far from improving, when he returned to his family at the close of the term his condition was alarming. He tried horseback riding, but without any decided advantage. His father weighed him one day, and again ten days later. He had lost seven pounds in the interval. His father turned pale, but made no remarks. That his emaciation at this time must have been such as to justify his father's alarm is confirmed by the following humorous

paragraph with which Samuel concludes a letter written to his father soon after his return to New York :

"Our Hudson tailors took the doctor's [Younglove] directions to make my pantaloons on his broomsticks quite literally, so that I shall send them back to be let out. Let Moses write them not to make my thin ones so tight."

A few days later his father took him out riding, and availed himself of the occasion to intimate a doubt of the wisdom of his returning to New Haven. After what we may be sure was an exhaustive discussion of the question, it was finally decided that he should not return, but should go to New York and enter the university then recently opened, at the approaching January term. In the interval we do not find the condition of his health abated his interest in politics, nor weakened his sense of personal responsibility for what was done at Washington. Writing as usual to his father, he says :

"I wish you would write to Van Buren urging him to impress as much as he can upon the President the necessity of avoiding everything that may seem violent or high-handed; to pursue the contrary course is to give to his opponents a decided advantage, and in fact to do just what they who are plotting his ruin wish him to do. It is understood that he will not adjourn the Senate, if they sit till 4th March. One other step of prudence is necessary: let him respect their negative upon appointments, and if they reject one nomination make another. They have the unquestionable right to reject upon whatever appears to them sufficient cause; if they abuse their powers by refusing concurrence in the appointment of government directors on the ground of their being spies, it is both proper and prudent for him to submit to it. Besides, moderation on his part will place them in the wrong with the nation. If they reject good and true men, if they refuse appropriations, though it must be regretted as disgraceful to the country, it will be fatal to them.

"I learn privately that the type, press, etc., of the 'Standard' were sold to-day at auction, and purchased by

Doctor Horton. To-night will decide whether the paper appears on Monday morning."

The Anti-Masons still maintained a formidable organization in many of the States, and had to be reckoned with in all speculations about the succession to the presidency. They were mostly Whigs, and, one day, might hold the balance of power in the country. To divide them or to detach a sufficient number to neutralize their influence, at least in the State of New York, was regarded as indispensable to the success of Mr. Van Buren's candidature in 1837. Some light is thrown upon the methods discussed to that end, in a letter to his father dated New York, Feb. 14, 1835. In this letter he refers particularly to the suggestion of a Mr. W.:

"It is not thought necessary, or even desirable, that he should profess himself an Anti-Mason. It is considered sufficient that he should express in conversation a general disapproval of secret societies, a sentiment which Mr. Van Buren, in common with the mass of the community, is supposed to entertain.

"Such is the attitude of Judge McLean, Mr. Calhoun, and Mr. Webster. The two latter, certainly, have written nothing, but are understood to entertain and express verbally a disapprobation of Masonry. Thus, while they avoid the hostility of any who may yet adhere to the fraternity, and the odium of courting Anti-Masonry, they are regarded by the Anti-Masons as fairly included among those from whom that party can consistently select their candidate."

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"It is perhaps well to mention here that before the assembling of the Anti-Masonic National Convention in December next, the National Convention Committee will probably address a circular to each of the presidential candidates, soliciting their sentiments in regard to Anti-Masonry.

"Mr. W. thinks that, against Mr. Calhoun, Judge White, Judge McLean (or any other man save perhaps

Mr. Webster), Mr. Van Buren would have a fair prospect of obtaining the Anti-Masonic nomination; at any rate, that an important diversion in his favor would be made.

"In this State, the class I have already described are well disposed towards Mr. Van Buren. It includes the principal Anti-Masons of this city — Ward, Cotheal, Townshend, I believe, etc. Albert H. Tracy also is understood to be friendly to Mr. Van Buren, although he will avoid separating from the party. I must confess, however, that I can see very little to hope from the Anti-Masons of this State *as a party*. Nearly all their leaders — all their presses are against us — the whole machinery of party organization is in the hands of the opposition. Even those of them who were formerly Republican have so long acted with the opposition — have been so long under the influence of federal leaders, and have so long received their political information through channels artfully calculated to bias and gradually prepare them for a thorough amalgamation with their old opponents — that they are alienated from their Democratic friends. Our only hope, it seems to me, is from their *rank and file*.

"Even if it were possible to procure the Anti-Masonic nomination, I should be afraid of it. Anything which could be tortured to bear the appearance of tampering or coalescing with them would be extremely hazardous. An informal support or a diversion from them would avoid this danger, and, in many possible contingencies, might be of the utmost importance. It is worthy of serious consideration whether something might not be done to promote so desirable an object.

"This view of the subject invests, in my mind, Mr. W.'s suggestions with an interest and a consequence which they might not possess in themselves. If by any means the Anti-Masons could be made to regard Mr. Van Buren as unobjectionable on the score of Anti-Masonry, it could not fail greatly to facilitate and increase accessions from their ranks, even though they should have a candidate in the field.

"If, in any case, anything else than a verbal expression of opinion should be thought best, it would probably be regarded as most eligible to give that expression the form of a reply to a circular of the Anti-Masonic Committee addressed to all the presidential candidates — a course which

would remove all appearances of collusion and give to the transaction the most favorable aspect.

"Mr. W. thinks there is a very slight probability of Judge McLean being a candidate. The judge feels with all its force the necessity of resigning his present station as a preliminary step—he regards it as indispensable, and expresses a determination not to do so, and consequently not to be a candidate unless the opposition will unite upon him. This was the cause of his declining the Anti-Masonic nomination in 1832 (which was made, I believe, through Mr. W.), and he yet adheres to the determination he then acted upon. I suppose he keeps steadily in view the old adage about 'A bird in the hand.' He is as crafty as he can be."

Of Tilden's residence at the university there is little to be said. His health was so uncertain that his connection as an undergraduate with that institution, as with Yale, was more nominal than real. He entered at the commencement of the year 1835, and in the spring of the following year we find him planning to leave the university and travel in quest of the health which he had sought in vain from empirics, apothecaries, and drugs.

His sister Henrietta's health was also at this time a subject of family solicitude. What little we do know of his university career must be gathered mainly from his letters. On the 11th of April, 1836, he writes:

"I have been thinking of a tour South, and still more of a voyage across the ocean—the former might do some good, but I am inclined to regard the latter as the really wise course, if we could all think so. I did not know but your own health would be benefited by a journey of a week or two. As to Moses' proposition to go to Washington if he can get away from home, very well. Under all the circumstances I suppose that doubtful. Though I should be pleased to see what is to be seen there, I am not very solicitous on that account. If I could accomplish what is more important to me, I would make almost any sacrifice to do it. My present impression is that it will not be best

for me to return home this spring—I may write the reasons.”

Some five weeks later he recurs to the travel-cure :

“Under all the circumstances, considering especially that I have been so long absent from the university, and shall, if I return, remain there so short a time, I hesitate to resume my studies there this spring; and am strongly inclined to give them up altogether and put myself in immediate readiness to make a tour with you, if you can so arrange your business as to allow your absence. I cannot have the operation on my teeth completed, and my other arrangements made to leave, in less than one or two weeks. In one week from the receipt of your answer, or at any time after, which will suit your convenience, I would like to accompany you to Washington — spend a few days there — go west as far as Mr. Madison’s — thence either across the Alleghanies or directly to Pittsburgh, and return by the Pennsylvania line of internal improvements. You have long desired to see Mr. Madison, and there is little probability that the power of doing so will long remain; for, tho’ now in the vigor and fulness of his faculties, his life must soon draw to a close.

“Congress, it is understood, will continue in session until the 20th of June or 1st of July. The last week but one of the session would perhaps be as good a time as can be selected to be there. Perhaps you might do something for Aaron in Baltimore, Washington, and Richmond. If you prefer it, we could vary the route so as to return to Philadelphia and go thence to Pittsburgh, and home through our own State; tho’ if it be not laying out too long and expensive journeys, I should like to make that a separate tour. A voyage to Nantucket does not strike me very favorably — would it not be long enough to derange and disturb the functions of the system, without producing a decided and permanent change of its action? and should I not thus incur the evils of a sea voyage, without a reasonable prospect of reaping its benefits? I do not care to go to Monticello, or if I do, to remain there many days. Visiting is not in harmony with my feelings — I prefer to be among strangers or at home.”

His correspondence furnishes no evidence that Mr. Tilden executed the plan of travel about which he wrote so much to his father in 1836. The fact that their most distinguished neighbor and friend was a candidate for the presidency, and was in the fall of that year elected to that dignity, establishes a strong presumption that he did not leave the State pending a contest of only less personal interest to the Tilden family than that in which he himself bore the same standard in 1876.

TILDEN TO HIS FATHER.

"NEW YORK, Dec. 12, 1836.
"Monday, 2 P.M.

"MY DEAR FATHER:

"I should have sent you the President's Message¹ had I not supposed — what the result has shown to be true — that you would receive it earlier by the 'Argus' than by any copy I could send. It excited rather less interest than the two last, both from the circumstances of the country which it had occasion to notice, and the disposition, now becoming prevalent, for quiet.

"There are frequent and various reports relative to the health of the President, taking their character from the constant mutations of disease and the different channels through which they come. I am on the whole inclined to believe that his condition is very precarious and uncertain. His firmness and native vigor of constitution may sustain him some time longer, or he may sink rapidly. I should not be surprised at either result. There is a rumor that his hemorrhage has recurred, and it is contradicted. I scarcely know which to believe.

"Alabama, Louisiana, Missouri, Arkansas, and Mississippi have all gone for Van Buren, giving him a majority of forty-three electoral votes. Considering the game that was played against him, the combination of discordant and powerful factions, the multiplicity of candidates, enlisting in their favor local and sectional interests, artfully calculated to divide and to prevent an election by the people, I must regard such a majority over the whole of them as a

¹ President Jackson's last Annual Message.

more triumphant victory than the receiving two-thirds or three-quarters of all the votes against a single candidate. The opposition bluster and appear to be organizing. The effort is idle. I met Vanderpoel a few days after you left. He represented Senator Tracy as saying to the opposition, 'It is useless to think of preventing a reëlection. Let the little devil [I don't know but Vanderpoel interpolated the oath] once get in and you will never get him out.'

"Nick Biddle is out with a second letter, and a most extraordinary one it is. I have read it but hastily as yet. It would not have been strange if, having a public document to prepare, he had incidentally assailed the administration, or even gone somewhat aside to do so. But to volunteer such an attack, and to bring it before the public in such a forced and unnatural mode, as well as the matter itself, indicate ungovernable passion or deep design. I think the latter. Its purpose appears to be to revive, concentrate, and direct the exertions of the opposition. The time, the circumstances, and the manner in which the document was brought out, all show that it is the giving out of the war-cry, which is to rally the congressional opposition, and to reanimate, in aid of the opposition, the clamor of the merchants and speculators. Mr. Biddle's motive is easily understood—he still cherishes the hope of reëstablishing the bank, and of placing himself again at the head of the financial and commercial affairs of the country. Many of the merchants also entertain the same expectations. But it really surprises me that the large portion of the opposition, which is merely political, should be willing to renew the struggle with Mr. Biddle openly in the field as their leader, and to reopen an issue, which, however well it may suit his purposes, is ominous of anything but success to them. But let them have their own way; they always surely work the success of their opponents." . . .

Mr. Van Buren assumed the duties of President of the United States on the 4th of March, 1837. In his inaugural address he felt it to be his duty to announce that, should any bill, abolishing slavery in the District of Columbia, receive the approval of Congress, he would be obliged to veto it.

William Leggett, who had recently commenced the publication of a weekly sheet called the "Plaindealer," who had been one of the ardent supporters of President Jackson's administration and equally earnest in advocating the election of Mr. Van Buren, took exception to this announcement of the new President, and made it the pretext for assailing him and his administration with great bitterness. Having been for several years prior to the establishment of the "Plaindealer" an associate editor of the "Evening Post," where he had won the ear and confidence of the Democratic party, this assault upon the President at the very beginning of his administration surprised and pained not only the President's friends, but no less the friends of Mr. Leggett himself.

Mr. Tilden thought the article ought not to be passed over in silence by the friends of the administration; and, over the signature of "Jacksonis Amicus," addressed to Mr. Leggett a series of letters which he published in the "Times," a Democratic paper at that time under the editorial management of Dr. William Holland.

It is to this correspondence that reference is made in the following letter:

TILDEN TO HIS FATHER.

"NEW YORK, March 25, 1837.

"Saturday, 11 A.M.

"MY DEAR FATHER:

"I send you the 'Times' containing a castigation I have been administering to the 'Plaindealer.' The articles were written on a sudden impulse and offered to the 'Times' a week ago. They were declined, avowedly from no public or party consideration, but solely from a personal indisposition to provoke the attacks of the 'Plaindealer.' It is just to add that they said, if it were required by important party considerations, they would not shrink from encountering his hostility. I had not a word to say, till I had satisfied myself that I could bring out nothing of the kind in any other paper. I then represented to them the folly and evil

consequences, party and personal, of such timidity; and offered to assume all the responsibility of the matter and of conducting any controversy it might excite — which, by the way, I don't consider much.

"After many doubts — some of them for the first time on public grounds — they consented. I suggested a general disclaimer, to appease their fears, but, contrary to their representation, thought it unnecessary and idle. I have mentioned these circumstances merely to note the fact that there is no paper in this city which does not lack the will or the courage to repel an attack of William Leggett upon Martin Van Buren, however gross! The 'Post' is doing very well on the whole, but I do not know how far it can be depended on. I believe it is on such terms with Leggett that it would vindicate none of the party, if even its measures, against him. If I had thought any consideration of party policy was opposed to the course I have taken, it would have been conclusive. But I did not.

"Leggett's impracticability and abolitionism, even if he were friendly in feeling, render him more formidable as a friend than as an enemy. To concede to him the character of independence and friendship is but to increase a power which he is constantly using without regard to truth or justice, against all the leading men of the party. Chastisement has a better effect upon him than kindness. He has yet a considerable hold on many of the party, and I thought the occasion admirably adapted to break it. If I may be allowed to speak of the effect upon him, I shall say that it has apparently been even better than I expected. In his last number he has avoided noticing me, but has taken occasion, from a single sentence from the 'Argus,' to put in his answering plea. His tone of arrogant, insolent crimination is changed for one of subdued self-justification. He has formally restated his position, but has wholly omitted his main charge, — that of apostacy from Democratic principles. The quotations which run through all his former articles, but which I showed to be garbled, are no more heard of. On the whole, it is a more complete *cognovit* than I expected. He has since expressed himself still more unhappily, and, if it is convenient, I shall, in the course of a day or two, avail myself of it. I am intolerably provoked by the insolent superiority which the papers of this city — especially ours — allow him to assume.

"You will not understand all the allusions. Three of them are Leggett's attacks on Washington Irving, Governor Marcy's fall proclamation, and Judge Hoffman after his death. They are understood here."

Though the propriety of a President threatening the national Legislature with a veto was open to criticism as an effort to exert an illegitimate influence upon legislation, Leggett's assault was so brutal and reckless in manner and tone that he fell an easy prey to his wary and more deliberate adversary.

In the second of Tilden's letters to Leggett there is a character sketch of the "I-always-speak-my-mind" nuisances worthy of the pen of Addison. Having referred to some garbled quotations from the message, which Leggett had made, he proceeds: ¹

"If an enemy had made a series of perversions so forced, and of garbling so palpable, do you think it would not have been ascribed to something more intentional than the mere bias of party? And you who have lacerated the feelings of an amiable man for the changing a single word, without injury to the author, and confessedly with the kindest intentions,² bethink you in what terms you would have spoken of another who had made such studied misrepresentations, and then built upon them revolting charges against one, in regard to whom he professed the best feelings and the highest opinions! What indignation, eloquent of scorn and reprobation, would you yourself have visited upon such a man? What, then, has caused such conduct? I fear that the mass of all parties will see in it wrong as outrageous, and treachery as calculating as the pretensions to justice are monstrous, and the professions of friendship are hypocritical, with which it is sought at once to conceal

¹ "Writings and Speeches," Vol. I. p. 48.

² Washington Irving, in sending his name and a few pages of cordial commendation to the first London edition of Bryant's poems, assented to the modification of one line of one of the poems, as he supposed in the poet's interest. Leggett made this the pretext for a brutal attack upon Mr. Irving in the "Plaindealer." See Bigelow's "Life of Bryant," p. 129.

the coward design and to add effect to the blow. For my part, I will not believe it. I prefer a kinder theory. May there not be an eager desire to signalize one's independence, that in its heady course sometimes tramples down consistency, justice, and sincerity? I know that there are difficulties in the theory, but I will try my best to make it plausible.

"It is unfortunately the case that those who particularly affect a virtue are apt to fall into the corresponding vice.

" ' Brevis esse laboro,
Obscurus fio; sectantem levia nervi
Deficiunt animique; professus grandia turget;
Serpit humi tutus nimium timidusque procellae;
Qui variare cupit rem prodigialiter unam,
Delphinum silvis appingit, fluctibus aprum.'

"Impartiality and independence also have their counterfeits. I know that there is a class of no-party men who vindicate their claim to that character by doing injustice to all, even without the excuse of bias. I know that society is sometimes troubled with 'I-always-speak-my-mind' nuisances, who seem to think it a virtue to violate the comities of social intercourse, and always to violate the feelings of others to their own caprice or ill-nature. But to be really impartial and independent, a rare assemblage of mental and moral qualities is requisite. First, a power of just reasoning, with especial freedom from rashness in the induction of general principles, and a confident reliance on their universal and exact truth; then, a moderation of character which lessens the bias of controversy and saves from false extremes; a freedom from the arrogant pride of personal independence that does not allow of profiting by the opinions of others; and above all, a pervading sense of justice that is cautious to do no wrong. A man who is so unfortunate as to possess the reverse of these qualities is mentally and morally disqualified for genuine impartiality and independence. If he be afflicted with the desire of appearing distinguished for the qualities he most lacks, the disease becomes a mania. He considers it a derogation from his personal character to concede ought to the feelings or opinions of others; forgetting that without such concession there can be no common action for a common object, and that without the capability of such action,

a man is fit, not for society, not even for a state of nature, but only for absolute solitude. Absurdly attempting to act with others, he is not satisfied with devoting himself, as he has a right to do, to the maintenance of his peculiar sentiments, but must force those sentiments upon his associates. Even then he cannot content himself with leading on a change of opinion, the slow progress of which in masses is the sheet-anchor of safety. He will not give others the opportunity of investigation he has previously had. He makes no allowance for deficient means of information, for habitual moderation, or constitutional caution. Still less does he tolerate dissent, or a qualification of his extremes. All must be convinced wholly and instantaneously. With eyes closed and throats distended, they must force down his new-fangled doctrine, with all its sharp points and its impure crudities, under the penalty of being held up to 'public reprobation and scorn' as false to the common object. If he is in any measure successful, he ascribes to his very faults what is due to truth struggling to light through the impracticability of its advocate. Nor does the folly end here. He is an independent man, forsooth! and he must prove it. He must maintain his individuality among his associates even to the injury of the common object. Lest he seem partial to his friends, he inflicts outrage upon them. To avoid the appearance of an amiable weakness, he commits actual injustice and treachery. Boasting his freedom from the least excess of a noble and generous sentiment, he is the slave of an exaggerated idea which springs from a pitiful vanity. Friendship has less influence on his opinions and conduct than opposition; the one cannot moderate or restrain him, but the other can drive him to absurd extremes. He is to his friends an enemy, to his enemies a slave. He is independent of authority, and therefore attacks what is authorized, even though it be right. He despises the delicacy which alone renders social life tolerable, and therefore violates the privacy of retirement and lacerates personal character. He is above regarding what mankind esteem most sacred. He assails the revered usages of religion; his vampire-tracks are upon the graves of the dead. All the while he mistakes his own motives; if he had applied the test of commonsense, he could not have been deceived. Impartial justice, when forced to condemn, does not exaggerate

the fault. When speaking solely from public motives, and through an organ modulated by personal benevolence, its voice is of forbearing censure, not of angry crimination. Impartial justice does not commit palpable and outrageous wrong. If a little adulterated by human frailty, it does not inflict such wrong on friends whom that weakness would naturally favor. He mistakes also the consequences of his conduct; injustice or even harshness in the judge causes an undue sympathy for the guilty that foils the end of punishment. He mistakes the character in which he acts. He fancies that, as a universal Aristarchus, he rules and rights the world; while he serves it, if at all, as a public flagellator. I have drawn a picture—I leave it to the public to say if it be a portrait."

After the removal of the government deposits from the United States Bank in 1835 to the State banks, it was generally treated by them, for discount purposes, as a part of their capital; and if it did not cause, it contributed largely to the wild and reckless speculation of 1836-7. Partly to protect the government from loss, and partly to check the speculation craze of the period, President Jackson issued an order that the government land offices should receive nothing but gold and silver or certificates of deposit in specie, in payment for land. The government at this time was not only for the first time in its history free from debt, but had a surplus of \$40,000,000. To the surprise and disgust of the banks who were using this money, Congress ordered it to be distributed among the States. To these grievances many minor causes contributed to produce the memorable panic of 1837, to which Mr. Tilden makes allusion in a letter to his father dated April 5, 1837.

"The pressure is but little, if any, mitigated. I saw yesterday a list of about sixty-five mercantile houses who have either failed or procured extensions. There are undoubtedly many more who have silently and secretly effected accommodations with their creditors. I believe that very few of the land jobbers have pretended for a long time to

meet their liabilities. Many very heavy and strong houses have fallen; among them are Bailey, Keeley, & Remsen; Hicks, Lawrence, & Co.

"Among your acquaintances are Mr. Brown, Mr. Davis. Those in the Southern trade suffer most, but there is scarcely a house that does not tremble to its foundations. If foreign exchange rises in resistance of the efforts that are made to keep it down, specie payments will be inevitably suspended by every bank in the city, and probably the country ones would follow.

"I am not sure that the arrangement with Nick Biddle was not the best that the case admitted of for the merchants; I am certain that he could have done no better for himself. I shall try to write about these matters again before long.

"I am sorry to see that mischievous bill in relation to usury so likely to pass. Without regard to the general question of its propriety, it would, as far as it had any effect, be very injurious at this time. It would merely increase the embarrassments of the borrower."

On the 10th of May, 1837, and only two months after Mr. Van Buren's inauguration, the banks of New York city, with a single exception, suspended specie payments, and most of the banks of the country promptly followed their example.

The Legislature of New York which was then in session, upon the recommendation of Governor Marcy, promptly passed a law legalizing the suspension. On the 13th of May, Mr. Tilden in a letter to his father criticised this measure in terms calculated to inspire regret that he was not even then in a position in which his superior sagacity could have had the wider influence upon legislation to which it was entitled.

"I did not write of the financial catastrophe, because I was very much occupied, and supposed you would learn it earlier by the ordinary channel of communication. I can not say that I am without apprehension as to the effects of the *measure*¹ adopted at Albany. Common honesty and

¹ The law legalizing the suspension by the banks.

every consideration of just policy require that the banks should resume at the earliest moment possible; and it seems to me that they could do it much sooner than the time proposed.

"The suspension, if the banks manage with prudence, in a *merely pecuniary and commercial* point of view, may be beneficial, enabling them to moderate the contraction they have been forced to make with destructive rapidity, and to pass by a gradual and easy transition into a wholesome state of things. I fear that the measure adopted will do mischief in giving them more latitude than is necessary, and still more in the encouragement they may derive, from its leniency, to continue a state of things, profitable to themselves, but ruinous to the public. It is contrary to reason and to experience to suppose that they will resume specie payments until they are forced to do so, or that they will *voluntarily* make the contraction which alone can restore the system to soundness and health. The delusive appearance of prosperity which an extension of their issues will produce may bring public opinion to sanction that extension; individual interest will solicit it with an urgency that can scarcely be resisted; and their own interest (which is advanced in proportion to the loans they can make) unchecked by the convertibility of their paper, by the fear of a loss of credit, of bankruptcy, or the legal consequences of bankruptcy, will add its all-powerful influence. It is doing no injustice to them, it is but supposing them to be men, to say that an extraneous influence alone can induce them to act as the exigency requires. It is but to say what universal experience has confirmed. I have not the statistics before me as to their usual and present amount of issues, but it is my strong impression that the bill proposed allows them to extend very considerably beyond what they circulated last January, or the year before, or what they could circulate while their bills remained convertible. A general contraction sooner or later is indispensable, and to extend now a whit beyond what is unavoidable is the worst of folly; it is to lose all the beneficial results of our past sufferings, and voluntarily to inflict upon ourselves new and worse. It seems to me that, in the great diminution of liabilities by payment, the cancelling of them by bankruptcy, postponed by extension without the contraction of new ones, that a cessation from the rapid contraction that

has been going on would be sufficient. If any extension be insisted on, it certainly should be slight and temporary — merely to revive confidence and to moderate the inevitable contraction. I fear that the bill prepared allows much more than this, and that the banks will avail themselves of the opportunity.

"The idea of a resumption at a fixed time is the only restraint, and that necessity is not so unavoidable, or the consequences of resisting or evading it so alarming to them, as to be very potent. If they are imprudent, prices, which have not fallen to a sound state, will rise, speculation revive, and a bubble will be inflated, more disastrous in its explosion than the present one. If the restriction should prove sufficient to prevent the mischief from going this length, I fear that it is not enough to prepare us to return to a natural and healthy condition, and that we may hereafter have to choose between the evils of an inconvertible paper and a reform purchased by a renewal of the suffering through which we have just passed.

"A permanent currency of irredeemable paper is a more intolerable curse than war, pestilence, or famine, and one to which, I hope and trust, the people will not long submit."

In this letter one discerns the first symptoms of a tendency in Tilden and Marcy to operate politically on divergent lines. As time rolled on, this divergence increased, until in 1844 it resulted in a separation, and in 1848 in open war. Marcy, though a man of a high order of intellectual power, was more of a politician than a statesman; his ends the success of the party, rather than of the cause.

During the summer of 1837 appeared the President's message, calling for a special session of Congress, in the month of September following. In his message to that body he recommended a separation of the government from the banks, and the establishment of the Independent Treasury. This measure provoked voluminous and acrimonious debate throughout the country, even before it engaged the attention of Congress.

In September of that year a series of papers appeared in

the "Albany Argus" over the signature of "Marshall," contesting the wisdom of the President's recommendations, and inviting resistance to their adoption. The articles proved afterwards to have been furnished to the "Argus" by a clerk of the late Samuel Beardsley, an eminent lawyer and party leader of Utica, and doubtless, if not written, were inspired by him. Mr. Tilden, though still a student, sprang to the defence of the President's policy, and wrote a series of papers marked by all the characteristics of his maturity, and advocating the proposed separation and the redeemability of the government currency in specie. These articles were signed "Crino." From the last, we make a single quotation, merely as a specimen of his style and temper in controversy at the early age of twenty-three.

"But the assertion that we have 'more than our just proportion' of the precious metals, is not only erroneous in every conceivable sense, but it evinces an ignorance of the principles of currency, and a vagueness of mental habits, equally astonishing. Suppose the currency of a particular country to be composed wholly of coin, and to be on a level with that of other countries, an issue of convertible paper would have the same effect in rendering it redundant as an addition of an equal amount of coin. The excess would go abroad to find a level, and, the coin only having credit abroad, that would be expelled, and the paper retained. The process would continue until all the coin, for which a paper substitute of the same denomination was supplied, would be displaced. With this limitation, the amount of coin which circulates in a given country is the difference between its whole necessary currency and the paper in circulation. If a nation has a larger proportion than it desires of its currency metallic, it has only to increase the paper; if a less proportion, it has only to diminish the paper. Now, in view of these obvious principles, I ask, Unless a nation has more specie than gives it a currency exclusively metallic, what possible meaning can the assertion have that it has 'more than its just proportion'?"

"The idea that there is an insufficiency of specie for the

purposes of currency is no less intrinsically absurd. If the whole circulating medium of the world were but half its present amount, or if it were twice that amount, it would answer its purposes nearly as well. All that is important in regard to its positive amount is that it be not so large as to be cumbrous, or so small as not to bear subdivision. Unquestionably a sudden change in its amount would be productive of infinite mischief. It would subvert all existing contracts by altering the standard in reference to which they were formed. But there is ample provision against this evil, so far as the precious metals are concerned. The cost of producing them is nearly invariable; they are so indestructible in their nature as to preserve the existing stock from any sudden diminution; the ordinary annual supply is constant, and is less than one per cent. of the amount on hand; and there is now existing, in Europe and America alone, at least *four thousand five hundred* millions. So large is their amount, that for two centuries their value has suffered no sensible variation, and has never been perceptibly affected by the occasional changes of particular countries from specie to paper, or from paper to specie currencies.

"France has twice had a currency wholly of paper, and has now returned to one almost exclusively metallic. England had a currency of inconvertible paper, and has returned to one more than half coin.

"To illustrate the very inconsiderable effect of even such extensive changes upon the mass of the circulating medium, it is sufficient to state a single fact. The resumption of specie payment in England created an extraordinary demand for gold of about *twenty-five* millions of dollars annually for four successive years; and, although gold forms only a quarter or third part of the precious metals, the demand was met without any difficulty or sensible enhancement of its price.

"It is ascertained beyond the possibility of doubt that in France, with whom the commercial relations of England were most intimate, and from whom much of the supply was in fact derived, the price of gold, if affected at all, was at no time during the process enhanced to the extent of *three-tenths* of one per cent. Every one at all acquainted with the subject knows that, if the object were desired, and the means judicious, coin might be substituted for the whole

of our bank-note circulation without raising a ripple upon the currency of the world. The only inconvenience of the process would be its expense, and that is not very formidable. The Secretary of the Treasury estimates the amount of currency required in this country at *one hundred and ten millions*; and, whether we regard principle, authority, or experience, the estimate is abundantly large. Allowing that we have already *seventy-five* millions of specie, *thirty-five* more would be sufficient. If we should leave in the bank fifteen millions, as the basis of deposits, which is quite as much as has been retained for that purpose, we must either continue in circulation an equal amount of bills, which would include those only of a very high denomination, or purchase an equal additional amount of specie. If the former, we should have to purchase *seven* millions, and if the latter, ten millions, annually for five years; or, in other words, to withdraw in each of those years an equal amount of paper, so as to determine a favorable balance of payments, and cause an importation of specie to that amount. Whatever objections exist to the measure relate solely to its *expediency*, and not to its practicability. I state these facts to exhibit the real character of the worst alternative you present—an alternative by no means necessary; and because I am weary of the absurd nonsense which has been so rife among certain individuals in regard to this subject. Attempting no such change, we, who have recently suffered a fluctuation in our currency of nearly fifty per cent., ought not to be deterred from moderate reforms by the fear of disturbing the level of the precious metals to the extent of an inappreciable fraction of one per cent.”

“Marshall” concluded his reply to one of “Crino’s” communications with the following ironical *argumentum ad hominem*, pointing unmistakably to the Honorable Esek Cowen, then a justice of the Supreme Court of the State and a suspected author of the “Crino” papers:

“But you, ‘Crino,’ do not enjoy the soft slumbers of a fat office; you are not a money lender; you hold no bonds and mortgages, no notes for moneys lent. No — you have neither motive of interest nor enmity to gratify in urging

the adoption of this measure !” Croswell, the editor of the “Argus,” used to refer occasionally with a grim smile to the bashful silence with which Judge Cowen submitted to this accusation when it was brought to his attention.

In his message to Congress at the opening of the extra session in September, 1837, as has already been stated, President Van Buren urged the “entire separation of the financial affairs of the government from those of private individuals and corporations.” To give effect to this recommendation Senator Wright reported what was known at the time as the “Independent Treasury Bill.” It passed the Senate, but was defeated in the House. At the regular session of Congress in December following, Mr. Wright reported the same bill ; it again passed the Senate, and was laid on the table of the House by a vote of 106 to 98. The fortunes of the administration were staked upon the success of this measure ; public meetings were called all over the country for and against it, and in the fall elections for members of Congress the supreme test of the candidates of both parties was to be their attitude on this question.

Nowhere was the struggle conducted with more bitterness and desperation than in the city of New York. The merchants of those days were made to believe that their former prosperity was largely due to the “regulating” influence of the United States Bank, and that the panics and general demoralization of the finances and business which followed the termination of its charter were the direct results of the war waged upon it by President Jackson and his successor. The industrial classes who were not borrowers nor the dependents of banks, were able to look at this measure with more coolness and impartiality. It was to them, therefore, that the friends of the administration specially addressed themselves at this crisis.

At a very imposing meeting of the Democratic-Republican Mechanics and Workingmen of the City and County

of New York, "held at Tammany Hall on the 6th of February, 1838," many addresses were made, and seventeen resolutions were adopted of a highly fulminate character against the bank, its partisans, the political theories upon which its recharter was advocated, and recommending to the special confidence and admiration of the public all who had supported Mr. Wright's substitute.

These resolutions were prepared by Mr. Tilden. Just before the adjournment a resolution was proposed by Mr. Thomas N. Carr, and unanimously adopted, directing the Chair to appoint a committee of fifteen to draft an Address from the Democratic-Republican Mechanics and Workingmen of New York city to their brethren of the country.

The committee persuaded Mr. Tilden to prepare this address, which was read¹ at a second large meeting held at Tammany Hall on the twenty-sixth of the same month. It is to this address that Mr. Tilden refers in the following letter:

TILDEN TO HIS FATHER.

"NEW YORK, Feb. 28, 1838.

"MY DEAR FATHER:

" . . . I send you a 'New Era' containing the proceedings of a meeting of the mechanics and workingmen. The assemblage was a quarter larger than the 'great meeting' held about a month since. I had been very urgently solicited to draft an address from them to their brethren of the country, and, having given them some slight encouragement, was extensively and strongly committed without my knowledge or authority. Unwell, and very much oppressed by this negotiation with Mrs. L., it was physically impossible, and I was obliged to decline altogether. Finding it impracticable to get any one whom they could trust, and on whom those conservatively and those locofocoishly inclined would unite, two of the committee came to me on Sunday evening, and proposed to

¹ "Writings and Speeches," Vol. I. p. 79.

abandon the address if I would draw all the resolutions and preface them with a preamble. I drew, that night and a little while on Monday afternoon, about half, which was laid before the committee at their last meeting on that evening. At ten they returned to me with a *carte blanche* from the committee to add what I thought proper (for it was too late for them to meet again), and a request to deliver them to the printer at ten on the next meeting. With considerable effort, and the use in one or two instances of materials I had on hand, I did so; and, in the evening (the gentleman who was to read them being exhausted by his prefatory speech), I mounted on the rostrum, not *behind* it, and read them to *four or five thousand* persons.

“Circumstanced as I was, no other than the strongest considerations could have induced me to do what I did. The first was the sympathy I feel for the industrious classes of this city. Their conduct during the panic excited my admiration; and I know that the slanders of opponents and of a portion of our professed political friends have made an unjust impression upon the public mind. I was glad to avail myself of the occasion to put into their mouths an efficient self-vindication. I was anxious also to give their expressions on the political topics of the day, a character of moderation and caution, which, while thoroughly democratic, should not expose them to perversion, and to avow some sentiments, which, coming from *them*, would allay the public prejudice against them and us. Another motive was to harmonize the two sections; and in this I succeeded so far that the leaders of both extremes have expressed to me their strong approbation. You remember that when we came through Albany, Governor Marcy told me to ‘*take care of the Loco-focos*;’ that is precisely what I sought to do, and if the Governor had seen how well the resolution relating to himself was received by a meeting which included some who have been a little unfriendly to him, he would be satisfied that I have not neglected his injunction.”

The subject-matter of this address possesses only a historical interest to the people of this generation, but no one can read the following extract from the paragraph with which it opens without feeling that he is in the company of

a statesman. In replying to the allegation that the proposed change in the system of keeping the public moneys involved a loss of the corporate responsibility of banking corporations, he said :

" A system which prohibits the use of the public moneys is less exposed to defalcation than one which, allowing their use, can be secure only in their successful employment ; a system which relies on fidelity to public trust is safer than one which relies on mere pecuniary responsibility ; men are less ready to commit a felony than incur a debt.

" Such are the deductions of reason ; let us test them by experience. For fifty years our mint establishment has been conducted on this system ; and, although it has generally involved the custody of as large an amount as need be deposited in any one sub-treasury, not a single dollar has ever been lost. Fellow-citizens ! we appeal to your commonsense. Tell us, are your own officers less worthy of the confidence of the people than the agents of banks ? Cannot the government, regulating the public funds with sole reference to security, make them as safe as banks wielding them for the purposes of gain ? And what is the character of the argument by which these commonsense views of the subject are opposed ? Exaggerated accounts of official peculations are paraded before the public view, and for what ? As arguments in favor of the system under which they occurred, and against a system under which they did not occur ! In a time of peace, and with a large surplus revenue, the financial operations of the government are suddenly suspended ; an extraordinary convocation of Congress is rendered necessary ; the government, unable to command a dollar of its own resources, is compelled to borrow money to meet its current expenses. Under such circumstances it is that the delinquent depositaries of your revenue tell you that your future collections will not be safe, locked in your own vaults, and guarded by your own officers, but must be intrusted to them, to be loaned out to traders and speculators ! We will not argue so plain a case."

It would appear from the following letter, written some three weeks after the preceding, that his father had been

exercising, meantime, the inalienable, if sometimes abused, privilege of parents to criticise the performance of their offspring.

Those who look back over half a century to this address may be disposed to think that Mr. Tilden wrote more about and attached far more importance than any one else did, to all the particulars of its pathogenesis. When, however, we reflect that he was writing to his father, with whom he could think aloud; that he shared this confidence with no one else, so far as there is any evidence; and when we further consider that this address was so much superior, both in thought and workmanship, to the platform effusions to which the party had been accustomed to listen, as to cause him to be appealed to for years afterwards to frame and settle, by address or resolutions, the issues upon which, at each successive campaign, the party was to be taken into battle, we shall conclude that he in no sense exaggerated the importance of the task he had undertaken. He wrote then, as always afterward, when addressing the public, with a full sense of the effect what he should write might have in giving him rank among the political forces of his generation. From the day he read this address until death, he never ceased to be one of the personages to whom his party turned for counsel and direction in all political emergencies; and we may add that his party rarely rejected his advice without having, sooner or later, abundant reason for regretting it.

TILDEN TO HIS FATHER.

"NEW YORK, March 24, 1838.

"MY DEAR FATHER:

"I should scarcely dissent from either of the opinions you have expressed in regard to the address — certainly not from the first. For a long time I resisted the importunity to write it, but was *literally forced* into it at the last hour. The effort, under the circumstances in which I undertook it, involved considerable intrinsic difficulties. I brought to

it a reluctant mind; was wholly unfitted by a cold and its consequent derangements for mental exertion; was restricted to an unreasonably short time; and wrote under the consciousness that the meeting was called, and the address must *at all events* be prepared by that time. I wrote until less than an hour of the meeting; and revised, what I did at all, when it was in the hands of the printer. Whether it was that I could not make some parts what I wished, or the embarrassments that surrounded me, or the irksomeness that attended me throughout, I cannot tell; but I never did anything before of which I had so deep a disgust. I was perfectly content to get out of the scrape in any way that avoided positive disgrace. Satisfied on that score by the reception the thing met with from the public, I have since been quite indifferent to its praise or censure. This and other efforts have unavoidably 'encroached' somewhat 'upon my time and attention,' but I have some compensation in the useful exercise they have caused me, and the foundation they have laid for what may be very valuable to me in a professional point of view — although this consideration formed no part of my motive. . . . I have been solicited, among others by Mr. — and Mr. Hoyle, to take charge of the Democratic morning paper which is about to be established, but have refused. I cannot write about it to-day, but may hereafter.

"Mr. Irving¹ would not accept the nomination for the mayoralty. Although individuals of the committee stated the fact by authority, so strong was the feeling in his favor, that he was nominated, and a sub-committee sent to him at Tarrytown. His letter of declension is said to be a very satisfactory one. Alderman Varian is nominated in his stead.

"I send you a 'Post,' in which I have been collating and grouping the evidence in regard to the \$52,000² affair. It was a favorable moment to recall public attention to the matter.

"All well.

"S. J. T.

"N.B. — I hope ma will not forget to send me, by the

¹ A brother of Washington Irving.

² A sum, the loan of which to the editor of a leading daily paper was supposed to have converted him from an opponent to a champion at the re-charter of the United States Bank.

first opportunity, material enough to make new cuffs to my every-day black coat.

"They are all very anxious to have Hetty¹ come here a little time to school. It is worth thinking of, whether, if she does not, she will be likely to get a chance anywhere; whether her health would not be peculiarly *safe* here and would not derive great benefit from mingling for a time in society. I, however, know so little of the circumstances, that I do not feel very competent to advise."

¹His sister Henrietta.

CHAPTER IV

Studies law — Crosses swords with Senator Talmadge — Complimentary letter from Silas Wright — Responds to a petition of the Shakers — Advises his sister in regard to the choice of a husband — Her death — Van Buren and Harrison campaign — Address in opposition to the re-charter of the United States Bank — His health and the professional problem.

TILDEN entered the Law School of the New York University the year it was organized — 1838 — and was a member of the first class that graduated. Benjamin F. Butler, who had been Attorney-General of the United States, Judge William Kent, and David Graham, author of the "Practice," were the lecturers at this period. ✓

While pursuing his professional studies at the university, Tilden was also articled as a law student with Hon. John W. Edmonds, who had recently opened an office in New York. Mr. Edmonds was a native of Columbia county, had practised law at Hudson, had been a member of the State Senate, and was a personal as well as a political friend of the Tildens.

The office did not do a large business, and with that it did, Tilden interested himself but little. He thought well of his instruction at the university. He tells his father of buying "Graham's Practice" for \$6, as it was a text-book in the Law School. "It is used constantly," he writes, "and is almost indispensable." He adds:

"I find so much interruption and irregularity at the office that I prefer to study most of the time in my own room. Attendance in an office is not required, and for the first year or two is of very doubtful advantage. The book I should be obliged to have eventually. I need buy no

more at present. I may want one or two additional in the course of this or the next term. 'Kent's Commentaries' Mr. Edmonds does not own, and when it comes to be the text-book, I must have it. To do justice to the text-reading which is given us keeps us quite busy. This fact and the system and order in our studies, and the necessity of reading *with attention*, which the examination three times a week imposes, and the effect of the discussions at them and the lectures in fixing in our minds what we read, show the utility of the school in a stronger light, even, than I had anticipated."

In the fall of 1838 Nathaniel P. Talmadge, then a Senator of the United States from New York, who had separated from the Democratic party and joined the schismatics in opposition to the financial policy of Presidents Jackson and Van Buren, was announced to "speak on the issues of the day" in Columbia county. A meeting had been arranged very quietly at which it was hoped he might exert an influence upon doubtful men, and change the political complexion of the county. The Tildens heard of it about noon of the day upon which it was to be held. They immediately sent word to all the Democrats of the vicinage to be present, and the result was one of the largest meetings that had ever been known in that region. In the course of his speech, Mr. Talmadge labored to convince his audience that it was the Democrats who had changed their position, and that he and his friends were unchanged. At the close of his remarks one of the Whig leaders of the movement offered a resolution, which passed without opposition, inviting any Democrats in the assembly that might be so disposed to reply to the Senator. The young Democrats, who were mostly gathered in the rear of the hall, regarded the challenge as aimed at them, and shouted for "Tilden." Yielding to the obvious sentiment of the assembly, Samuel came forward and took the place just vacated by the Senator.

After discussing the main questions in controversy, he

addressed himself to the personal aspects of the Senator's speech, and to his statement that the Democrats had changed position while he himself had remained consistent. By way of testing the truth of this declaration, he turned around to the Whigs on the platform and asked them if they who found themselves now in unison with the Senator (who had been opposed to them in the contest for the presidency), if it was *they* or the Senator who had changed? At last, pointing to the Chairman, Mr. Gilbert, a venerable farmer, almost an octogenarian, in a tone of mingled compliment and expostulation he begged to know if it was *he* too, instead of the Senator, that had changed. By this direct inquiry the honest old man was thrown off his guard and stoutly cried out "*No.*"

Mr. Tilden skilfully availed himself of this declaration of his venerable neighbor and friend, in a strain of good-natured banter, which is said to have proved fatal to the objects of the meeting.

Mr. Tilden's father sent some account of this bout of his son with the senatorial Goliath to Silas Wright, Mr. Talmadge's colleague in the Senate, from whom he received the following reply :

SILAS WRIGHT TO ELAM TILDEN.

"WASHINGTON, 26 Dec., 1838.

"MY DEAR SIR :

"Your most acceptable letter of the 19th inst. came to me night before last, and was read with great pleasure. You have my thanks for your interesting history of the meeting, and your son deserves and will receive the hearty thanks of all the true Democrats and lovers of their country for his fearless honesty in rebuking a traitor in the midst of his assembled friends, and of those whom it was his design to mislead and deceive. I am not sure that we shall not be driven to this course of addressing the people face to face to counteract the frauds and falsehoods of the swarms of agents which the money of our opponents sends forth

as lying spirits throughout our State. I am fully satisfied, were our people prepared for such a course, that discussions by our honest and capable men, face to face with these profligate emissaries and traitors from our ranks, would do more than anything else to rebut their falsehoods and restore the public mind to a knowledge of the truth.

"Your suggestion as to some propositions to be made to our Legislature the more effectually to punish frauds, bribery, and perjury at the polls, is a wise and proper one. The President made the same suggestion to me at our first interview after I reached here. I have communicated with some of our friends at Albany upon the subject, and I think the matter will be cared for.

"Whether the President will feel at liberty to advise in relation to the suggestion you make in regard to the election of a Senator, I do not know. I had some conversation with our friends in the Senate upon that subject, as I passed through Albany on my way here, and they were then active in considering that important subject in all its bearings. After what passed between me and them there, I have considered it most wise and proper for me, in the situation I hold, to leave the whole matter in their hands.

"I can tell you, for the information of your friend, that there has been no provision made by Congress for indemnifying our citizens for losses sustained by spoliations upon our commerce by the French prior to the year 1800, and I do not myself believe any such provision will be made. A bill has been before Congress almost every year since I have been a member, to make some provision for these persons, and it has passed the Senate once, and I think twice, but has never yet passed the House. In the present state of the treasury, I do not think it could pass either branch, as the least sum proposed to be appropriated for it is five millions of dollars; and in case the claim is ever admitted, I am one of those who believe that twenty-five millions will not satisfy it. It is but fair, however, that I should inform you that upon the most fair and full investigation I can give the subject, — and I have spent much time upon it, — I entertain the opinion that the claim is not well founded as against our government.

"In great haste, I am, truly yours,

"SILAS WRIGHT, JR."

On the 4th of August Tilden wrote his father :

"I have seen Mr. Butler¹ a moment. He tells me that they are going to assign us subjects to write upon as commencement exercises at the beginning of the next term, to be read to the bar and the public generally, after the college fashion. His lectures (which linger a week behind the time) are just closing, and a concluding address will be delivered on Tuesday evening. On some accounts he almost tempts me to stay at least till Monday night. I make it a condition with him that he give me a subject which shall require no reference to a library — least of all a legal one. The sort he proposed to send me, he said, was a general legal, or rather politico-legal, one. Mrs. B. is very reluctant to have me leave till Monday night, and the inclination urges; probably I shall not. If you read my date, you will see the reason of my haste."

Tilden wrote no commencement exercise. It was not his wont to write or speak without some pretty definite purpose to be accomplished by it. And it would be very difficult for those who knew him well to imagine him sitting down to write, or standing up to read, a paper merely to show to what extent he had profited by his opportunities as a student.

On the 7th of February, 1839, Tilden writes to his father :

"I have partly written a letter on the Shaker business, but have not been able to complete it. I now regret that you had not been able to oppose your influence to the passage of the bill in Albany. I have no doubt that you could have defeated it. The other day I was in at the 'Evening Post' office, talking with Bryant about various matters, among them the Shaker bill. I spoke of it — only a word — as an abominable violation of principle, and handed him the pamphlet without requesting him to take any notice of

¹Hon. B. F. Butler, who, since his retirement from Mr. Van Buren's cabinet, had come to reside and prosecute his profession of barrister in the city of New York. He was also one of the lecturers in the University Law School.

it or the subject. The next 'Post' contained an excellent article on the subject, which I send you. I do not suppose that it can be of any avail. I think that, if well attended to, the bill may be choked by amendments. Those providing for a verification of the amount of property, and for the election of their officers, are the most important."

The letter on the Shaker business here referred to was written in opposition to a petition addressed to the New York Legislature by the Trustees and Deacons of the Society of Friends commonly called Shakers, residing at New Lebanon, to have their property exempted from the operation of the general laws of the State applicable to trusts.¹

While looking after the Shakers at Albany he was also helping the "Evening Post" on the subject of the city finances, worrying over his father's health, which was giving the family some anxiety, and over an affair of the heart of which we know nothing save what is disclosed in the two following letters to one of his sisters.

The letters are given less because of their intrinsic interest than because nowhere else, nor on any other occasion, did Mr. Tilden ever express himself so fully on the subject of matrimony, — a relation of which, whatever he knew, he learned from the experience of others, perfected in the crucible of his own good sense.

TILDEN TO HIS SISTER.

"NEW YORK, 5th June.

"DEAR HENRIETTA :

"I have reflected much upon the subject upon which we had conversation. I rejoice that you have decided as you have ; indeed, I could not, and did not, expect any other decision from you. Yet I would say, deliberate, examine yourself ; see what (if any) sacrifice you are to make, that your determination, once formed, may never waver, and

¹ "Writings and Speeches," Vol. I. p. 89.

that not a *shade* of regret may cloud the future. Independent of the debasement of character, the loss of the high tone of moral feeling, and of all that is really refined and noble, which must result from habitual profligacy, there are considerations of a *merely prudential* nature, which should leave no hesitation as to what course you ought to pursue. No matter how good a husband, no matter how kind and affectionate a man may be, the bare suspicion of infidelity to his plighted faith cannot but destroy that mutual confidence and mutual respect which is alone the bond and the charm of married life. Harrowing suspicion and corroding jealousy must ruin the peace of his wife. But let suspicion become certainty, and the creations of jealousy become realities, and what must be her condition? And that position must be endured without the possibility of relief or the privilege of complaint. Darken the picture a little; for what right have we to suppose that such a husband would, as to other things, be just what we should wish. Imagine an alienation of affection; family quarrels, which often result from distrust and suspicion; perhaps gross and disreputable irregularities; perhaps premature death, or a life infinitely worse than death, — these are the natural, and by no means unusual, results; and when the whirl of dissipation is once commenced, who can tell where it will end?

"I know how prevalent dissipation is, and a sacrifice now will not ensure us from feeling its evils hereafter. But shall we incur the certainty of evil in order to avoid its hazard?

"I believe there is usually little chance of reformation, especially when the habits are firmly fixed, and upon a man of mature age.

"I hardly know whether I have observed more attentively remarks upon this subject, or whether I have allowed conversation to take this channel; at any rate, I have obtained the opinions of several of our friends in whose judgments I had more confidence; and, as far as they were expressed, they coincide with my own. Adele S. expressed her opinion most decidedly that it would be an absolute sacrifice of herself for a woman to marry a man in whom she had not the most entire confidence. No; you have chosen wisely, and you will not regret your choice. I distrusted my first opinion, and I feared it might have too little of

what the world calls prudence and *sober calculation*, and too much of romance in it; but now I am ashamed that I have argued so coolly a question upon which offended virtue should have pronounced an unhesitating decision.

"In what way the object can be best accomplished, is a more difficult question. Until your parents return, it will probably be best to avoid an explanation. How to treat him, meanwhile, is a rather delicate matter. Your intercourse with him should be neither so cordial as to excite unfounded expectation, nor so cold as to occasion a premature and absolute rupture. Treat him, then, politely, but indifferently; in your manners be circumspect, slightly reserved, and distant, yet not markedly so.

"There are three ways of accomplishing the object:

"First. By offending him by coldness.

"Second. By dismissing him without explanation.

"Third. By giving him an explanation.

"In the first two cases, he might ask one which you could either grant or refuse. In the two first you may be liable to the imputation of fickleness and coquetry; but had you better not bear *that* than incur the bitter animosity which would most likely result from an explanation? I am inclined to answer in the affirmative, especially as an explanation would be so unpleasant to a lady. Suppose at the conclusion of your explanation of *past matters*, if you have one, you should say that *upon reflection you have concluded that the matter had better be dropped*, and so avoid assigning any reason.¹ From your knowledge of the circumstances you can judge best as to the propriety of this course, and I hope that you will reflect and consult much upon this point. Whatever plan you finally prefer, you must under no circumstances assign a false reason. I do not say this because I know it to be the only honest course (though that were a sufficient reason), but because, from what observations of the world I have been able to make, it is my deep and deliberate conviction that it is the only politic and judicious one. Should an explanation be resolved upon, or should circumstances arise which you think

¹ If you should come to an *immediate* conclusion to adopt the first plan suggested above, you would of course treat him quite coldly at first. If you adopt the second, with a polite indifference. If circumstances will allow it (of which I cannot judge), I much prefer the second, which is to tell him that "upon reflection you had concluded," etc.

requires it, you must say that you *have recently become convinced that his habits are such that you could not be happy with him*. He cannot misunderstand you; his conscience will explain your meaning. Should he pretend to do so, your self-respect will dictate a refusal to give a particular explanation. Should he be offended, and complain of the injustice of your believing such charges without evidence, and without allowing him an opportunity to meet them, and demand to know your evidence, you must reply that *a lady can never know with certainty the truth of such things; that her opinion from the best evidence she can get is the only ground on which she can act; that your opinion is fully made up, and upon evidence as satisfactory to you as you could ever expect to obtain in such a case*. Here you must stop; should he insist, you can only repeat what you have already said. It ought to satisfy any reasonable man, and is ground from which you must not suffer yourself to be driven.

"I think you had better go no further than this yet; if you should at any time think it would be of any service, you may give me as authority for your opinion. This would be unpleasant; but if you should think it best, do not hesitate. You will, of course, consult freely and frankly with ma, and through her (if you do not wish to do it directly) with pa, and rely greatly upon their advice. Con over thoroughly with them each of the expedients which suggest themselves.

"Lastly, whatever course you conclude upon must be well considered. Understanding the subject well beforehand, mature the ground you are to take, and maintain it firmly and decidedly, and, above all, fix in your mind precisely what you mean to say in every emergency which seems likely to occur; do this that you may not be thrown off your guard, or betrayed into any expression which you would regret, that, knowing the ground well, you may tread it firmly and fearlessly.

"Let me hear from you immediately and often, till this matter is over. I am in no danger of being misunderstood, so I make no apologies for anything about this letter. I impose only one condition in relation to it; that is, that as soon as this affair has ended, it should be destroyed.

"Yours affectionately,

"S. J. T."

A few weeks later he concludes another letter upon this delicate topic with the following appeal :

"Do not mistake me. What I have told you in reference to *him* is not based on conjecture. I would have stated what I did to you only on the most decisive evidence. When I gave it to you as the ground of an act involving your own happiness, when, knowing well the consequences, I told you, if necessary, or if in any way advantageous to you, to give my name for authority, do you suppose that I had room to doubt? I would stake my life upon the truth of all, and *more than all*, I told you. He is not only dissolute, but *foremost* among the dissolute, outstripping the mass of the vicious.

"I do not think that, independent of this matter, you could ever be happy with him. Perhaps I may some time give my reasons. I will say in the most decisive terms, I would wish no friend of mine should ever marry a man whose character is not unimpeachable.

"I have scribbled as fast as possible, expecting to be every moment ready to start. Answer me soon.

"S. J. T."

Before the expiration of the year, by her death, both the sister and the brother were delivered from the apprehensions so elaborately and affectionately set forth in these letters. She was but eighteen years of age. Their father's health, too, had also been failing during the winter of 1838-9, and did not rally in the spring as fast as his family had hoped. In the following letter, of the date of June 17, 1839, the son touches upon this subject :

"I feel anxious about you. I hope you will take good care of yourself, and, above all, avoid over-exertion, not only about important things, but about everything. You are verging to an age, and your health puts you temporarily in a condition, in which you must measure your strength by a new standard. You can act with reference to this change, which I hope may not be permanent, without any unpleasant consciousness of waning powers. It is only

necessary to select with greater care the objects on which to bestow your thought and effort, in order to have enough for all that are really important, if indeed any are important compared with the risk of over-exertion, and then to let the rest go. The first lesson to learn is acquiescence in the going wrong of little things which you have not strength to do yourself, and which will not go right unless you do them. This, I grant, is a hard lesson; but is it not inevitable? and is it not the part of wisdom to submit to the inevitable? You could do nothing, my dear father, so valuable in every sense to us all, as to preserve yourself for us as long as possible. For our sakes, then, let that object control everything that is inconsistent with it. I think the course you are in, with a reference to this one thing, will restore you.

"Affectionately yours,

"S. J. TILDEN."

At the presidential election of 1840, William Henry Harrison was the candidate of the Whigs, and Mr. Van Buren was renominated by the Democrats.

The abrupt check given to the crazy system of credits to which the country had been accustomed, by the repeal of the charter of the United States Bank, and the establishment of the Sub-Treasury for the custody of public funds, resulted, of course, in a great deal of financial disorder, which the partisans of the bank did what they could to exaggerate. These results were attributed to the Democratic party in general, and to Mr. Van Buren, as its prophet, in particular. The imminent necessity of a change of administration was pressed upon the public attention by devices till then unknown in American politics.

As a consequence of the natural reaction against an abuse of credit, wages were low. This was a condition likely to have most weight with the wage-earning, which constitute by far the larger part of the voting class. Mr. Tilden delivered an address at New Lebanon, on the 3d of

October, 1840, and only a few days before the election, the object of which was to correct the erroneous impressions in respect to currency prices and wages which the opposition were propagating. The speech was thought so highly of that the Democratic committee in Albany had it published in a pamphlet and distributed in large numbers over the State.¹

The circumstances under which this speech was delivered, the youth of its author (he was only twenty-six), and the grasp of the fundamental principles of economical science it displays, entitle it to rank among the ablest papers that had been written in this country or elsewhere, on the subjects of which it treats.

His exposure of the sophistries by which the friends of the United States Bank attempted to maintain its claim to be regarded as a regulator of the currency, possesses to the reader of to-day not only historical interest, but also is pregnant with lessons which we fear will never be out of season.

"How could a large bank, constituted on essentially the same principles, be expected to regulate beneficially the lesser banks? Has enlarged power been found to be less liable to abuse than limited power? Has concentrated power been found less liable to abuse than distributed power? If any one entertained an expectation so contrary to all human experience, this experiment ought to satisfy them of its fallacy. The United States Bank commenced its operations in January, 1817. Although a nominal resumption of specie payments by the State banks took place, the currency was dangerously extended. The bank urged its notes into circulation with unprecedented rapidity; and the excess causing a constant exportation of specie, it sought to counteract that effect, not by reducing the currency to its proper amount, but by forced importations of specie, which it made to the extent of seven millions and at a great loss. It continued these operations till July,

¹ "Writings and Speeches," Vol. I. p. 103.

1818, when its circulation amounted to *nine* millions, and its loans to *forty-nine* millions. A revulsion then commenced, and the bank began a rapid contraction. But its affairs grew every day worse. In February, 1819, Mr. Jones, its president, resigned, and Mr. Cheves, of South Carolina, was appointed in his place. In an exposition made several years after to the stockholders, that gentleman states, that as he was about to commence his journey to Philadelphia, he was apprised that the bank would soon be obliged to stop payment; that when he reached Washington he received hourly proofs of the probability of this event; that 'in Philadelphia it was generally expected.' He also states that on the first of April the specie in its vaults was reduced to *seventy-nine thousand* dollars, while its balances to the Philadelphia banks were *one hundred and twenty-six thousand* dollars. By a rigorous contraction of its issues, and the cutting off of all its exchange business, by the whole aid of the government, and a loan in Europe, it barely weathered the storm, but was for years in a sickly condition. The prostration of business and prices during this period was without a parallel, and the bank was universally regarded as the main agent of the mischief. The reduction of the whole currency from the height of the expansion to the first of January, 1820, was one-third; that of the circulation of the bank was nearly two-thirds.

"The next great crisis was in the fall of 1825. Mr. Biddle, in his testimony before a committee of Congress, describes it as the most disastrous period in the financial history of England, 'when the wild speculations in American mines, and the wilder speculations in American cotton, recoiled upon England and spread over it extensive ruin,' and says, that 'the very same storm passed over this country a few weeks before, and was on the eve of producing precisely the same results.' He also states, 'that this panic, which would have been fatal to the country, was averted by his hurrying to New York and prevailing on a gentleman to accept drafts, who was preparing to draw specie from the banks of Philadelphia, to establish a bank in New Orleans.' It has been intimated that Mr. Biddle's private night journey was occasioned by an emergency more peculiar to his own institution than he would have the public suppose; but he admits enough. He shows how near, even on the most favorable account of the matter,

the whole system of currency, with its regulator, came to a total overthrow, and by how slight and common a circumstance it was alternately jeopardized and saved.

"Turn now from the account of this hair's-breadth escape, to what Mr. Biddle did not so frankly relate, — the source of the peril. The returns of the bank show that its circulation increased in the two years previous to July, 1825, more than 105 per cent.; and in the six months previous to that time, more than 57 per cent. I have not the means of ascertaining the increase in the circulation of the State banks during this period, but there is abundant reason to believe that it was in nothing like the same proportion. The subsequent reduction fell mainly upon them; the United States Bank succeeding in substituting, to a considerable extent, its notes for theirs. Its success, however, in the competition for private profit was a poor consolation to the public, who were victims of the process. Mr. McCulloch states that during the same two years the country banks of England extended their circulation 50 per cent., and he exclaims against such an increase, as 'extravagant and unprincipled' — an increase less than half as great as that of our 'Regulator.'

"A revulsion rather less severe occurred in the commencement of 1832. The United States Bank was greatly embarrassed. It procured the payment of the 3 per cents., for which the government had provided the means, to be postponed; and when the time to which it had been postponed approached, it sent a confidential director abroad to make an arrangement with the holders of the stocks not to present them for payment, while it held and used the money government provided for their redemption. The form in which the transaction was first attempted the bank was obliged to disavow as constituting a violation of its charter, that in which it was consummated being merely a breach of trust! The increase of its circulation, during the two years previous to the first of January, 1832, was 64 per cent., and its reduction in the summer after, about 20 per cent. The circulation of the New York banks increased, during the same period, 29 per cent.; that of the Pennsylvania banks from February, 1829, to November, 1831, about 21 per cent. It is difficult to procure returns from the banks sufficiently near the dates to afford a just comparison, but such as are procured show that the average increase, even

if it were larger than that of the New York banks, was very far short of that of the United States Bank.

"In the fall of 1833 the removal of the deposits was made, and the panic of 1834 followed. The bank, by October, 1834, had contracted its circulation nearly 20 per cent., and its loans more than fourteen millions, as it alleged, in consequence of that measure. When its attempt to coerce a restoration of the deposits and a renewal of its charter failed, it commenced an expansion; and by July, 1835, extended its circulation 62 per cent., and its loans nineteen millions, or five millions more than all the reduction which it pretended it had been forced to make by the removal of the deposits; and that, when its charter had but eight months longer to run! The great expansion which produced the disastrous excesses of 1835 and 1836 occurred mainly in the former year; and the whole enlargement of the currency during that year was 34 per cent., or if we take the net circulation, 31 per cent.; and during that year and the next, less than 44, and if we take the net circulation, 36 per cent. The ratio of expansion of its net circulation by the United States Bank to July, 1835, was from November, 1834, 62 per cent.; from January, 1835, when the currency had reached at least a level, 46 per cent.; and from its last return previous to the removal of the deposits, 37 per cent. The bank is justly responsible for the whole amount of its expansion from the lowest point of contraction in 1834, for it had made that contraction under the pretence that such a diminution of business was rendered necessary by the removal of the deposits; and the vacuum in the circulation, being created under favorable exchanges, was necessarily filled by the notes of other institutions; and the subsequent addition to the currency was as inexcusable as it was dangerous. Such an addition could not fail to create a most injurious excitement in banking and trade, and, with a little of the power which its friends claimed for this bank over the smaller institutions, to stimulate them to the utmost extravagance. And when the time of this expansion is considered, no fair-minded man can doubt that it communicated the main impulse to the disastrous excesses which followed.

"We have thus seen this institution, which was established to 'regulate' the others, twice, according to the statements of its own presidents, on the very verge of

bankruptcy, and a third time extricating itself from its embarrassments by a breach of trust which would subject an individual to a criminal punishment; and, looking at its returns, we find each of these occasions preceded by an extension of its business, unparalleled in any similar institution. We have seen that in every great expansion of the currency which has occurred during the whole period of its existence, it increased *its* circulation in a far larger ratio than the expansion of the *whole* currency. And these successive expansions and the revulsions which followed them, with short intervening seasons of quietude, have filled the whole history of business during that period. The extraordinary powers of this bank and its freedom from competition, while organized on the same principles, and therefore subject to the same impulses as other institutions, have only encouraged it to embark on the most hazardous adventures to extend the profits of its business, from which it has been repeatedly extricated only by the credit of the government or the direct assistance of the treasury.

"Such was the manner in which the United States Bank 'regulated' the currency while it was a national institution. For the benefit of those who think the loss of *such* services the cause of the recent commercial disorders, and their restoration by the establishment of a similar institution the sovereign panacea, I pursue its subsequent history.

"On the 20th February, 1836, Mr. Biddle presented a meeting of the stockholders with the new charter from the State of Pennsylvania, congratulating them on the dissolution of their connection with the general government, which he pronounced to be an unnatural connection, *beneficial neither to the bank nor the government*, and declaring 'that the bank was now *safer, stronger, and more prosperous* than it ever was.'

"On the 11th November, 1836, in a letter to Mr. Adams, Mr. Biddle declared that the revulsion which had then become severe was owing to the 'mere mismanagement' of the government; denied 'that the country was over-traded, that the banks have over-issued, and that the purchasers of the public lands have been very extravagant;' and concluded his long argument to sustain these positions thus triumphantly: 'Exchange with all the world is in favor of New York. How, then, can New York be an over-trader? Her merchants have sold goods to the merchants

of the interior, who are willing to pay, and, under ordinary circumstances, able to pay, but *by the mere fault of the government*, as obvious as if an earthquake had swallowed them up, their debtors are disabled from making immediate payment. *It is not that the Atlantic merchants have sold too many goods, but that the government prevents their receiving pay for any.*'

"And this in the face of sales of public lands during that year to the amount of *twenty-four* millions of dollars, and an excess of imports over exports of *sixty-one* millions! But even this great financier, who was competent of himself to regulate all the business of the country, could, at last, be made to learn what every man of commonsense had known long before.

"On the 13th May, 1837, two days after this bank had suspended, in a second letter to Mr. Adams, Mr. Biddle said: 'We owe a debt to foreigners by no means large for our resources, but disproportionate to our present means of payment. We have *worn and eaten and drunk the produce of their industry*—*too much of all, perhaps, but that is our fault, not theirs.*' No doubt! But *when* had we done so? Even Mr. Biddle would not say that it was after the writing of his previous letter. He also said that 'had the bank consulted merely its own strength, it would have continued its payments without reserve.' Certainly! He suspended for the sake of the other banks, just as he made his night journey in 1825, and his fraudulent arrangement as to the 3 per cents. in 1832, for their sake. These facts all rest upon the same testimony! He promised also to take the lead in an early resumption of the specie payments.

"In the fall of 1837, when a convention was proposed to bring about a general resumption, the United States Bank at first refused to join in it, and afterwards sent delegates, who opposed resumption and succeeded in voting down the measure through its associates and dependents. And when the New York banks were about to resume alone, on the 5th April, 1838, in a third letter to Mr. Adams, Mr. Biddle argued at great length that the resumption then was 'premature,' threatened them in an insolent tone with the consequences of the attempt, and told them to appeal to the Legislature 'to rectify their mistake' and legalize a further suspension. The New York banks resumed about the first of May, but the United States Bank remained suspended

until the latter part of the year, when it nominally resumed by substituting post notes for its ordinary circulation; or, in other words, notes bearing on their face a promise of payment a year after date for notes bearing on their face a promise of payment on demand.

"In the spring of 1839 Mr. Biddle resigned the presidency of the bank, announcing that, having brought it safely through all the difficulties, and leaving it in a sound and prosperous condition, he could now retire from its management. Through the summer it struggled with the embarrassments daily thickening upon it; and in October it failed, inflicting upon the commercial affairs of the country the extensive mischief, under which they have been suffering for the year past, but from which — thanks to the beneficent regulation of the laws of trade! — they are now rapidly recovering.

"I am aware that attempts are made to evade the force of these facts by alleging that the bank was no longer a national institution. That might be a sufficient reason why it should not be required to regulate other banks; but is it a sufficient reason why the bank should not regulate itself? If it has become a State institution, should it therefore fail? Should it therefore disturb, with its stupendous folly, all the business relations of the country? Nor is a reference to its recent conduct so unmeaning as the Whigs would fain have us suppose. Will any one pretend that it has been even tolerably well managed? Can any man recur to its history, or read the manifestos issued from time to time by the individual who has had its chief management, without disgust at the wretched charlatanry which they exhibit? If it had been rechartered as a national institution, would it not have been under the same management? And would an act of Congress have conferred competency — I will not say sanity — upon Mr. Biddle and his associates? Would a national charter have tamed the tremendous power for mischief under which the whole country has been writhing, or transmuted it into a mere capacity for good? Even if another institution should now be established, in whom could those who are most clamorous for it repose a more idolatrous confidence than they have reposed in Mr. Biddle? I do not wonder that the Whigs are glad to pronounce 'the monster dead,' or that a bare allusion to him shocks their sensitive nerves. They feel there has not been a question

between the two parties as to the subject of currency, within the last ten years, which has not grown out of, and whose merits are not involved in, the character of this institution; nor one upon which its fate is not the conclusive verdict of experience."

It is to this speech Mr. Tilden refers in the following paragraph of a letter to his father, dated Dec. 31, 1840:

"Mr. Gouge wrote to me for a copy of my speech for Henry Lee, formerly of Boston. You have heard of him as an able thinker and writer, and the gentleman who was complimented by the vote of South Carolina in 1832.¹ Mr. Bryant gave me a letter the other day from Condé Raguet, of Philadelphia, inquiring my whereabouts, for the purpose of getting a copy to send to a political economist in England, and speaking of the thing in high terms. Mr. Raguet is the most voluminous, and perhaps, excepting Mr. Gallatin, the ablest, writer on these subjects in this country. He has been Whiggish, and has sometimes, as I think, warped his principles to such views; but the volume which he published last year is very grand, as it is certainly the best treatise on banking ever published in this country. He wrote the essays published in nearly all the Whig papers in 1837, signed 'An Examiner,' and I suppose furnished the speakers and writers, from Mr. Webster down, with most of their arguments. He is evidently now taking better views of the matter and cutting loose from his Whig connections."²

¹ Mr. Lee was the candidate of the Nullifiers for Vice-President.

² Condé Raguet, in his note to Mr. Bryant, wrote:

"If you can give me the address (by mail) of Mr. Tilden, who delivered an address last October at New Lebanon in your State, you will oblige me. I wish a copy of this most masterly production to send a friend in England, who knows how to appreciate the truths of political economy."

The letter from which this is quoted is dated Philadelphia, Dec. 21, 1840.

In a subsequent letter to Mr. Tilden himself, dated Jan. 19, 1841, Condé Raguet wrote:

"PHILADELPHIA, Jan. 19, 1841.

"DEAR SIR:

"A variety of occupations incident to the New Year has occasioned a delay in acknowledging the receipt of your favor of 2d inst., with the

Tilden's health continued so precarious that he could make no engagements with any assurance of being able to keep them, nor could he lay any plans depending upon his physical condition for their execution which he could feel more than a half-hearted confidence of being able to execute. In all his letters to his father—he rarely corresponded with any other member of the family while his father lived—his health and his medication were pretty sure to constitute one of the leading topics. It may be well here to add an explanation of many habits and peculiarities for which Mr. Tilden was not infrequently censured even by his friends. There never were but rare and comparatively brief intervals in his whole life when his health was such that he could pledge a single hour of the future with confidence to the discharge of any duty or the fulfilment of any engagement, except upon conditions liable to involve an almost supernatural exertion of the will, and intense personal discomfort. It is not surprising, therefore, that as the time approached for his admission to the bar, he should have been disturbed by gloomy forebodings of his ability

twelve copies of your speech at New Lebanon, which have been placed in a course of distribution amongst gentlemen who know how to appreciate the worth of sound doctrine set forth in clear and intelligible language. There is in this city a small club of gentlemen who study political economy as a science, and who intermeddle with politics only so far as to withhold their suffrages from those who are identified with false views of banking and currency and of the freedom of trade; and from three or four of them I have heard the remark which corresponds with my own opinion, that your speech is the clearest exposition of the subjects to which it relates that has yet appeared in the department of composition. I am of opinion that the best corrective for a vicious system of banking is free trade and individual liability; but, as I have no expectation of seeing those principles introduced, I have spoken in my late 'Treatise on Currency and Banking' of the New York free banking law as one step towards them.

"As regards the freedom of trade, I think we have now more to fear from the tobacco planters of the South, than from the cotton manufacturers of the North; for, if a high tariff is imposed as a countervailing measure against England, France, and Germany, the effects will be the same as if imposed for protection, inasmuch as it will generate the same artificial interests that have given us so much trouble hitherto."

to succeed in a profession in which robust health is such an important element of success. In a letter dated Feb. 23, 1841, he takes his father into his confidence on this subject. He had been discussing the pros and cons of a business enterprise which was reaching out its arms for him, and which he had evidently begun to contemplate seriously in case his health should unfit him for a professional career :

"For myself, I have been often disheartened as to the prospect of being able to *depend* upon my profession for support. In it the power of personal effort is literally everything; and health, which perhaps might not very materially disable in other vocations, might almost incapacitate from its practice. If I could rely upon the possession of this power, I should regard it as a large capital to me; and I have sometimes thought that for it I would be willing to start in life naked as I came into the world. Still it has seemed best to me not to abandon my profession altogether, especially without an experiment; and although I could not feel easy under the idea of an absolute dependence upon it, I have thought I might find it for my interest to do what I could at it, with some other reliance in the last resort."

As the time approached for his admission to the bar, his doubts and misgivings about a professional career seem to have weakened, if they had not entirely disappeared. On the 17th of March he writes his father :

"As for my coming home when the river opens, I scarcely know what to say. On many accounts I need to do so. I never left home so unprepared for a long absence as last fall — I mean in the way of clothes. I have got me a coat, and been obliged to get a hat and a pair of overshoes. I do not see how I can get on much longer without some pants and vests. My shirts are very much worn. If you had linen, I should wish to have some making. Let Slyter make me a pair of boots; and a pair of slippers that won't squeak, and the front of which comes up so high as to cover all the stocking.

"I shall come if I can possibly spare the time, which I hope to be able to do, and if I can be sure of accomplishing anything and *getting back by the time appointed*; for I must not be hindered or delayed. I suppose that I shall be a great deal more than ready for the examination: but that is the safe side, and I intend to be sure."

CHAPTER V

Admitted to the bar — Opposes a coercive bankrupt law — The Glentworth election frauds — Law-book purchases — Death of Elam Tilden — A winter's journey from Albany — The Know-Nothing cyclone — James K. Polk elected President — Silas Wright elected Governor of New York — The "Daily News" established — The slavery schism in the Democratic party — Elected to the Assembly — The anti-rent war — Elected to the Constitutional Convention of 1846 — Governor Wright's defeat for re-election — Annexation of Texas — Address of the Democratic members of the Legislature on the slavery issues — Baltimore convention — Martin Van Buren and Charles Francis Adams nominated by the Free-Soil party for President and Vice-President.

AT the May term of the Supreme Court in 1841, Mr. Tilden was admitted to the bar, and immediately opened an office at No. 11 Pine street, in the city of New York. From that day forth he ceased to be a burden to his parents, and though his clients were not numerous, nor his business very lucrative, he had been accustomed to live so inexpensively that he managed to bring his expenses at once within his income, a habit which he maintained through life. His business was not yet so engrossing, however, as to withdraw his attention from public affairs.

Before President William Henry Harrison had been inaugurated, his ardent partisans threatened to improve the first days of the approaching session of Congress not only in rechartering the United States Bank, but in conferring upon it a charter which Congress should have no power to repeal. Mr. Tilden made the unsoundness and absurdity of such an attempt on the part of Congress to disable itself the theme of an article of some seventeen pages in the "Democratic Review" for August, 1841.¹

¹ This "Review" had been established at Washington a few years before, and during the administration of President Jackson, by John L. O'Sullivan,

His argument has never been answered, nor has the action of Congress in repealing the charter ever been reversed.¹

He was also a speaker at a public meeting in New York of those opposed to a coercive bankrupt law, and conducted a protracted and somewhat acrimonious contest in the "Evening Post" with the Whig press in reference to the part which the collector of the port, Mr. Edward Curtis, had taken in procuring or conniving at the introduction of citizens from a neighboring city to vote at the then recent presidential election. The frauds were engineered by an adventurer of the name of James B. Glentworth. It is to this affair that allusion is made in a letter to his father, dated Jan. 20, 1842.

"I sent two of the Glentworth pamphlets to you and one to Mr. Younglove immediately on receiving Henry's letter. Can it be that you have not received them? I think I will send another.

"You will have seen that the papers *do* now make extracts from the pamphlet. Mr. Bryant and I have kept up a hot fire on Curtis. There was a concerted design not to answer, and to whistle down the whole matter; but we forced them to speak. The first and second long articles were mine, except the two concluding lines of each; the third, Mr. Bryant's; the two or three short ones mostly mine; the first answer to the American, and the concluding reply, except its first two paragraphs. I would not have been drawn into the matter except at the urgent solicitation of Mr. Bryant, and under the strong indignation I felt at the course of proceedings, commencing with the charge of conspiracy, and ending with the removal of Morris.² I hope we are now done with C., but we may be obliged to reply once more. The understanding is that the others shall receive justice at different hands than mine.

"These articles have made a great sensation, and are a friend of Mr. Tilden, and Mr. Langtry, a brother-in-law of Mr. O'Sullivan.

¹ "Writings and Speeches," Vol. I. p. 165.

² Postmaster of New York under the Van Buren administration.

regarded by our people as triumphant, and by some of the Whigs as satisfactory. The Whig press has been exceedingly troubled—the steadiness and perseverance of the attacks, the concentration of them on a single point until the public attention was thoroughly arrested, and the successful avoidance, so far, of all false issues, have annoyed them amazingly. The three last were written in great haste—nearly the whole of each, after I got down to the office of the ‘Post,’ and before the paper went to press at twelve or one. If, as is very likely, I am found out by Curtis, I shall have made one warm friend.

“I am, on the whole, better than for several winters before. Though on the day that I made the speech at the bankrupt meeting—I was in committee all the evening, and kept up late by Mr. Ward’s business—I was fagged, and the next night was at a party at Mr. Butler’s, and then editing the ‘Post,’ I became a little worn. All that is now done, and I am in the usual train again.”

There were no law institutes nor law libraries accessible to the young lawyer in those days, and it was necessary for him to purchase such books as he required or go without them. The investment of a few hundred dollars in books, therefore, was the first expense for which he had to provide in those days after he had paid for his “shingle.” Tilden had opened his office but a few months when he felt that, with a little assistance from his father, he could afford to strengthen this branch of his office equipment. Of the way he set about it we have some curious glimpses in the following letter:

TILDEN TO HIS FATHER.

“NEW YORK, Feb. 7, 1842.

“MY DEAR FATHER:

“ . . . I went the other night to an auction of law books to pick up a few little things. Whether because of the rain, or from mere accident, probably from the season of the year in which there are few competitors, I found the ‘New York Reports’ selling at about twenty-five per cent. lower than the lowest auction prices. I bought

'Wendell,' 25 vols.; 'Cowen,' 9 vols.; 'Paige,' 7 vols., and 'Johnson,' 20 vols., which, with a few I have already, comprise the reports of this State, except some half a dozen less important ones which I allowed an acquaintance to take at a very low price. These works are in higher demand, and usually bring nearer the bookstore price than any other books; and they are the most indispensable.

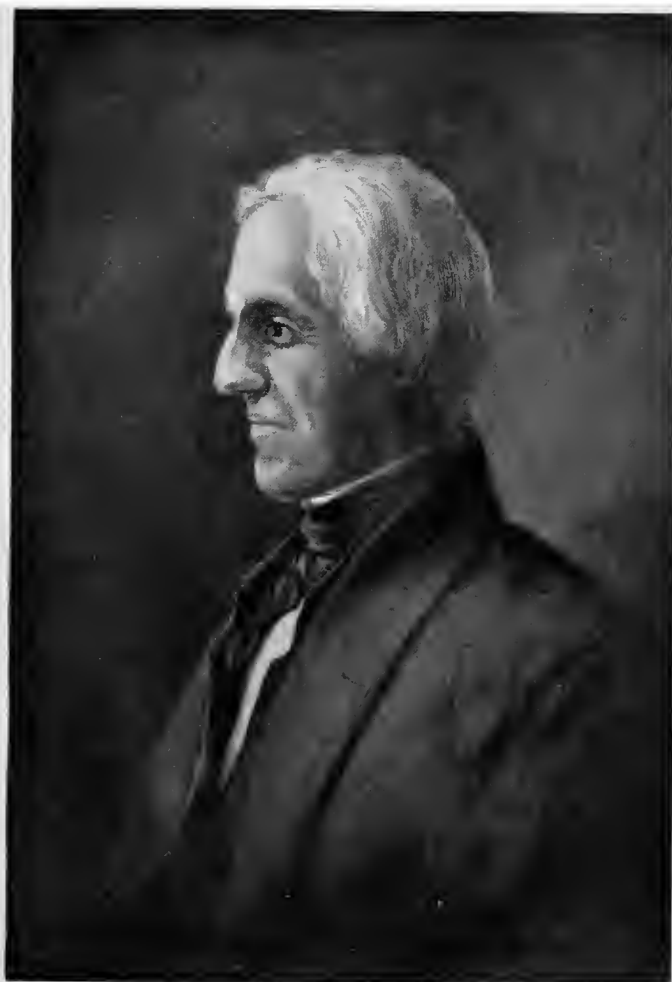
"I have attended all the auctions for some years, and I give a schedule of comparative prices.

	Lowest cash price at the bookstore.	Ordinary auction.	Lowest auction in four years and for a single set when the others have brought more.	Price which I paid.
Wendell . . .	\$5.25	\$4.75 to \$5.00	\$4.30	\$3.50
Johnson . . .	3.25-50	2.50 to 3.12	2.50	1.87
Cowen . . .	5.00	4.00 to 4.75	3.62-75	3.00
Paige ¹ . . .	6.00-50	4.75 to 5.25	3.75	3.25

"I never knew more than one set sell at these low prices at the same time. Of course the books are, some of them, soiled. I should not have bought them just now if the chance had not been one which ought not to be allowed to pass.

"I believe that I could take at least \$50 from the book-seller for my purchase; nevertheless I am extremely reluctant to lay out so much money in these times (between \$190 and \$200), and I wanted to pay up what I had drawn from Pinneo rather than draw more. He is in so easy a condition that it will produce not the least inconvenience. One-half, or nearly, I think I can reimburse during the next two days. There was \$20 on a note I gave him from Aaron, and I yesterday got another of \$60 having thirty days to run. I shall try the harder to get it out of

¹ This last set I bought on a pure speculation. I have it already. The next lowest purchase I ever knew was the set I bought last year. This I can make answer me as cash at fifty or sixty-five per cent. advance, for books which never get into the auction-room.



ELAM TILDEN

Aaron, which I may do by taking and collecting notes. He seems disposed to pay as fast as he can, but is much embarrassed. I expect \$15 or \$20 this week of my professional earnings, though I have to advance for costs and have expenses to pay incident to commencing in business. Still I should like \$100 if you have it to spare. If you have not, but can remit any current funds to P. to lie in deposit without use, to keep up the bank account, it would be very well. . . .

"I may need a little more help, but I will do with as little as I can. This moving may make it necessary for me to have bookcases a little sooner than I otherwise should. . . .

"I am as well as common. I have nothing to do with politics except in the time I was helping the 'Post,' which was a special exception; otherwise I meddle no more than is compatible with, if not conducive to, professional success."

On the 10th of April of this year Mr. Tilden's father died. Of this event there is no trace in his correspondence, except that his domestic letters in future were addressed uniformly to his mother. This event threw the young barrister, more than ever before, upon his own resources; for, till now, the father had been not only his confidant in every thing, but his advice seems to have been sought and given in reference to every detail of the son's life with a freedom and fulness very unusual even in the most united families.

Mr. Elam Tilden was a man of enlarged views, of excellent judgment, of pure character, a devoted father and husband, and naturally enjoyed great personal authority with his neighbors. He had always taken an active interest in politics, but not for its rewards. He was at one time postmaster at New Lebanon, and was several times elected a supervisor; but, with abundant influence at Albany and at Washington, he never was a candidate for any office either of honor or of profit, a feature of his character which no doubt contributed largely to beget the great respect always

shown for his views by many of the leading statesmen of his party.

Only a few months before his death he received a letter from Senator Wright of such pathetic interest that we need offer no apology for inserting it here. It is in reply to a letter Mr. Elam Tilden had written to President Van Buren, suggesting the nomination of Mr. Wright for governor.

SILAS WRIGHT TO ELAM TILDEN.

"WASHINGTON, 3 July, 1840.

"MY DEAR SIR:

"The President did me the favor to give me, last evening, the perusal of a letter from you to him, and inasmuch as my name was mentioned in it too kindly, I feel bound to improve a moment of leisure to write to you upon the subject. I have been long since advised that some of my too partial friends have felt an anxiety that my name shall be placed before the people of the State as a candidate for the office of governor.

"It would be as unnatural as it would be unjust that I should not acknowledge my grateful feelings towards those who have manifested this high sense of my capabilities, and it pains me to be compelled to declare that I am conscious my friends have overrated me in this instance. I further verily believe that, at the present time, and in the present state of the public mind in certain portions of our State, I should not be as strong a candidate for this important office as many others who are named as candidates. I have not time, however, to discuss this last question with you, even if it would be proper for me to do it, and I certainly cannot discuss the question of my own capacity and qualifications.

"There are other reasons, however, of a private character, which forbid that I should be a candidate for governor, and those I am bound to give to my friends, and I give them to you with the fullest confidence that your fair mind will appreciate them.

"I have been, as you know, in public life almost since I became a man of business at all. I was not worth \$500 in the world when I was elected to the Senate of our State

in the fall of 1823. You know what has been my life since, and what has been my compensation in the various and very honorable and responsible situations I have held. I need scarcely say to you that I have really had no private business during the whole period, and my opportunities to make property, therefore, have been merely those which my official compensations have placed in my way. I have lived prudently, or endeavored to do so, and I consider myself now worth about \$8,000. Located where I am, and pursuing the style of living which I have always preserved, and having no family but my wife, and owing no debts, I am quite independent; but make me governor, and it will require from \$5,000 to \$6,000 to furnish a house for that officer in a manner due to the office, an expense which I cannot defray without going in debt to three-quarters of the amount. I know from Governor Marcy that the salary, with great prudence, will just about defray the expenses of the governor's house for the term, and cannot be made to do more, the rent being paid by the State.

"At the close of the term, then, all my property, very nearly, if not entirely, would consist of worn furniture for which I should have no use, and I should be left without other means, not to live in the quiet and retired manner I heretofore have, and now do, but to support the standing of an ex-governor of New York. In other words, I should be left a political pauper, a character which it has been the most anxious effort of my life to avoid. This is one of my reasons.

"The second is not less strong. My wife was taken from the country, has been bred up and always lived there, and is most exceedingly averse to being placed in any situation which shall require from her the discharge of duties to which she does not consider herself fitted either by education, habit, or feeling. Indeed, I say no more than the truth to you when I say to you that she is made unhappy by the slightest agitation of this question. She is a good and faithful wife to me, and I cannot, even for the sake of my political party, make her unhappy.

"Now, my good sir, I confess that I owe to my political friends everything which a man can owe, but do I owe it to them to incur either of these consequences, much more both of them? I cannot think so.

"Please consider this letter private, except the conclu-

sion declared, which is not private, and if you think I am wrong, say so to me with your accustomed frankness.

"As I have been compelled to finish this letter in my seat, and in the midst of the transaction of business, you must pardon errors, and believe me,

"Most respectfully and truly yours,

"SILAS WRIGHT, JR.

"ELAM TILDEN, ESQ."

There is little doubt that the financial inconveniences of his accepting the office of governor, set forth with such simple pathos by Senator Wright, contributed not a little towards preparing the public mind for the provision subsequently made for an executive residence at the State capital, of which, by a curious coincidence, the son of Mr. Wright's correspondent was the first official occupant.

In the spring of 1843 business took Tilden to Albany. The account which he gave his mother of his journey homeward makes it difficult for the people of this generation to realize that scarce half a century has elapsed since the political capital of the State of New York was as remote from its commercial capital at certain seasons of the year as New Orleans is to-day.

TILDEN TO HIS MOTHER.

"NEW YORK, March 27, 1843.

"Monday morning.

"MY DEAR MOTHER :

"Having tried the experiment in several ways, I am pretty well convinced that it is almost three days' journey to this city. The weather at some times, and my business at others, delaying me in Albany till then, I started at 4.12 A.M. on last Thursday morning. Passing the New York line in a slight snow-squall, we reached Cornwall, Conn., at eleven o'clock. The conductor insensibly omitted to put on the snow-ploughs which were deposited at Barrington ; and, having been retarded by the snow, our fuel and water were exhausted, and the locomotive obliged to leave the



MRS. ELAM TILDEN.

cars and go down to Kent, six miles, to recruit. This done, it could not back up, and was forced to go on eighteen miles to Milford and turn around, the snow meanwhile falling very rapidly. In the afternoon I tried to get up a party to go in a double sleigh to Kent; but so confident were all of a return of the locomotive that night, and so apprehensive of being left, that I was unsuccessful until eight in the evening, when I determined to go, if alone, and a number joined the expedition. We went three miles, to a little house situated upon the railroad, instead, as we should have done, to the village three or four miles farther. Between that and midnight some twenty-five or thirty followed. Our house was a very small, mean, and dilapidated one. We put the ladies in the principal room, the old men in what pretended to be beds in the garret, and twenty of us *reposed!* on the floor of the kitchen, very small, and by no means the cleanest. We spread upon the floor the remnant of a straw bed and an old coverlet, and on these the luckiest of us got our heads and shoulders, while some curled themselves in the corners, and others got upon the chairs, which straddled over the legs of the under tier. Three times I tried to turn over, but could only accomplish it by getting up and lying down anew. Several of the gentlemen helping to cook, we breakfasted on ham and eggs, and a few of us left for Kent.

"About nine the locomotive came up in company with two others attached to the upward train; but it was wrong end foremost, and had to go up twenty-four miles to North Canaan to turn around. At about nine in the evening it returned, but before it could safely start had to send on an express to prevent meeting the next upward train. We had all come down to the cars, but the locomotive going on to break the way, some of us returned to the hotel, and, after much debate, two or three of us lay down, myself with boots, overshoes, and all on. Before midnight we learned that the obstructions were so great, that those who could get a place to lie on ventured to undress a little more. About nine or ten the next morning we started on, getting to Bridgeport in the afternoon, and, after having been aground in the harbor for an hour, got to sea, arriving in New York between eight and nine Saturday evening. You complained that you did not have a history of my last expedition, so I have given this, I trust with sufficient

minuteness. I took no cold, and am at least as well as when I started.

"When I saw Mr. Van Buren he told me he understood that there was to be a marriage at our house; that General Gould told him. I was so uncertain *whose* secret he had been disclosing, that, lest I should betray another, I said very little.¹

"Affectionately yours,

"S. J. TILDEN."

At the New York charter election in the spring of 1844, both the old parties were thrown into confusion and driven from the field by a third party, which appeared with the suddenness and the force of a tropical cyclone and swept the country. The prodigious impulse which had been given to immigration by recent legislation; the increased competition with the labor of the country which it created; the consequent reduction of wages, and the simultaneous effort to exclude the use of the Bible from the public schools in the interest of what was then regarded as practically an alien ecclesiasticism, awakened a feeling in the country which, with an almost incredible rapidity, crystallized into what is now known to history, sometimes as the "Native American," and sometimes as the "Know-Nothing" party.

The Whigs had nominated Morris Franklin for mayor, the Democrats nominated Mr. Coddington, and the Native Americans nominated Mr. Harper, of the well-known publishing firm of Harper & Brothers. Mr. Harper, who was a Methodist, was elected over both of the other candidates.

As the Native Americans professed neutrality in politics, and to have no purpose in their organization but to resist the encroaching influence of aliens in our affairs and to prevent their appropriating too large a proportion of the local offices, the question of paramount interest that now

¹ This is an allusion to the engagement of Mr. Tilden's brother Henry to the daughter of General Gould.

began to agitate the old parties was, which will be able to absorb the largest share of the Native American vote at the presidential election that was to be held in the fall of that year? To the great disappointment and disgust of the friends of Mr. Van Buren, who were counting upon his re-nomination, he was defeated in the National Democratic Convention, and James K. Polk, of Tennessee, received the nomination. The feeling that this defeat had been brought about by what in sporting circles is termed a "foul blow" (Van Buren's friends in the State convention had offended the slave proprietors by instructing their representatives in Congress to resist the formation of five new slave States out of Texas), had so chilled the Democrats of New York that for a time the defeat of the ticket was regarded as inevitable.

The men who for years had led the party with distinction — Van Buren, Wright, Flagg, Young, and the younger generation who had been trained in their ranks — found themselves, by Van Buren's defeat, and the means by which it was accomplished, suddenly landed outside of the party. The only alternatives left to them seemed to be revolt or the Caudine forks.

Mr. Tilden had by this time become one of the recognized forces of the party, not only in New York, but in Washington. He saw that revolt was ruin to Mr. Van Buren's friends, and their only hope was in making Mr. Polk owe to them his election, by giving to him the electoral vote of New York. To accomplish this result it was necessary in the first place to nominate Senator Wright for governor. There was no other man in the party who could be confidently counted upon to carry the State, and with him the governorship was comparatively certain even if the electoral ticket failed. It was a great struggle for Mr. Wright to leave his seat in the Senate, where he had become a national power (he had refused the nomination to the vice-presidency on the ticket with Polk, which was

offered him), and accept the governorship, subject to all the objectionable conditions so frankly set forth in his letter to father Tilden four years before. No one individual had more influence in persuading Mr. Wright to this sacrifice than Mr. Tilden, as no one probably, more justly than he, appreciated the magnitude of that sacrifice.

To prove that, in spite of their ill-treatment, Mr. Van Buren's friends were loyal to the party; that President Polk would owe his election not only to the Democracy of New York, but to the friends of the candidate who had been wronged; to prevent the success of Mr. Clay, the Whig candidate; to discourage a reactionary agitation against the financial policy of the Democratic party; and finally, whatever might befall the national ticket, to retain political control of the Empire State, — these were the considerations which were pressed upon Mr. Wright to accept the nomination, and to which, to his incalculable personal discomfort, he finally yielded.

Once nominated, it was desirable that the vote of New York should be not only sufficient but significant. It was now Mr. Tilden's turn to make sacrifices.

His party had not the support of a single daily morning paper in New York city of any influence or repute. To recover and bring back to the party as many as possible of those who had been seduced from it into the Native American organization rendered a medium for reaching and reasoning with this class of the first importance. Mr. Tilden by his speeches and writings had established such relations with the wage-earning class, from which the Native American party was largely recruited, and he enjoyed their confidence to a so much larger extent than any other prominent Democrat in New York city, that he was urged from all sides to meet the needs of the party by establishing a paper himself. As no one appreciated the need of such a medium of communicating with the public more than he, so no one better than he knew how rare at that time were the

men who would not do more harm than good with such an instrument. He probably would not have seriously entertained the idea of adding to his professional cares, which were rapidly increasing, by undertaking the administration and pecuniary risks of a daily newspaper, if he had not been promised the coöperation of John L. O'Sullivan, the editor of the "Democratic Review," an accomplished scholar and a ready writer, who was very anxious to connect himself with the daily press, but who had neither the means nor the political influence to warrant him in attempting to found a new paper alone. After some weeks of deliberation and daily debate the foundations were laid of the "Morning News."

- It was conducted on the lines laid down by Mr. Tilden, and with so much vigor and enterprise, — as newspaper enterprise was reckoned in those days, — that it was no uncommon thing to hear the success of the Democratic ticket in 1844 attributed to its agency. Nor was there probably much, if any, exaggeration in this statement, for without some such unequivocal and daily testimony of the desire of Mr. Van Buren's friends for the success of the ticket, there is little doubt that Mr. Clay, who was a popular man in New York, would have been elected over Mr. Polk, who, when nominated, had probably never been heard of by a hundred Democrats in the State. As it was, Mr. Polk's plurality over Clay in New York State was a little over five thousand, while Wright's majority over Fillmore, the Whig candidate for governor, was ten thousand and thirty-three.

Thus far all the objects contemplated by Mr. Tilden in the nomination of Senator Wright for governor and in founding his newspaper had been realized. President Polk had been elected, and by so narrow a majority as to show that even lukewarmness on the part of Mr. Van Buren's friends must have resulted in his defeat. Mr. Wright's majority also, almost double that of the President,

was evidence, not to be questioned, of the greater strength of Mr. Van Buren than of Mr. Polk in the State.

Having now no longer any use for a newspaper, Mr. Tilden, soon after the election, presented his interest in the "Morning News" to Mr. O'Sullivan, and retired from the firm to the more profitable duties of his profession.

We have said that thus far he had accomplished all the objects which he had in view in starting the newspaper. But he was very far from having accomplished the ultimate object of that enterprise. He had not anticipated that the surprising popularity of Mr. Wright and the views he entertained in regard to the increase of slave representation in Congress by the carving of a bunch of slave States out of Texas would have precisely the contrary effect to that upon which he was counting, and would unite the South with the time-serving politicians of the North, at once, into a compact combination to destroy him and to disorganize the party in New York, of which he was, since the retirement of Mr. Van Buren, the most conspicuous member. He did not yet realize how much more importance the statesmen of the South attached to strengthening the entrenchments of slavery, than to any other measure of public policy then engaging the attention of the country. He was not long, however, in being enlightened. The federal appointments in New York showed gratitude as usual in politics only for favors to come.

Mr. Marcy, who led the column of recusancy, was appointed minister of war. The effort was made to seduce Tilden from his allegiance to his friends in New York by the offer of the naval office, then a lucrative and honorable position. To most men this would have been a temptation. Tilden had but just completed his thirty-first year; the emoluments of the office were some twenty thousand dollars a year, and the labor and responsibility inconsiderable. Tilden was poor, and many years must elapse before he could hope for any such a revenue from his profession.

The offer, however, did not tempt him. He promptly declined it, saying that he did not labor for the election of President Polk to push his own interests; that when he was admitted to the bar he resolved that he would hold no merely lucrative office, and that, if he took any, it must be in the line of his profession or a post of honor, but under the then existing circumstances he could accept of nothing.

From this time forth there were practically two Democratic parties, so called, in the State of New York: one led by William L. Marcy, and vulgarly known sometimes as "Hardshells," and sometimes as "Hunkers," who were either in favor of or not opposed to the extension of slavery into the free Territories from which it had been excluded by the ordinance of 1789; and the other led by Silas Wright while he lived, also vulgarly known sometimes as the "Softshells," and sometimes as "Barnburners," who were opposed to the extension of slavery into those Territories.

Though the division lines of these parties, like those of latitude and longitude, were not visible to the eye, nor the parties themselves sufficiently organized to occupy hostile camps, the end towards which they were severally working were quite as distinct as if they were. The logic of the situation required Mr. Wright to be reëlected governor, and to succeed President Polk in 1848, or retire from public life, and Mr. Marcy to defeat Mr. Wright's reëlection as governor, or himself retire from public life. It was practically to engage in such a duel that Mr. Wright went to Albany and took the oath of office on the 1st of January, 1845. He had in his favor a great parliamentary reputation, and a character for wisdom, probity, and political sagacity, enjoyed in a superior degree by no other American statesman of his generation.

On the other hand, he had to contend with an administration in whose eyes all these virtues, when enlisted against slavery, were regarded only as so many additional reasons for crushing their possessor. He had also

to contend with a very considerable number who still called themselves Democrats, but who had deserted the party from mistrust of the success of its financial policy, and who were impatient to recover some sort of party standing.

The odds were largely against Governor Wright, and no one knew it better than he when he took his seat in the governor's chair at Albany. It was therefore at his special instance that Mr. Tilden accepted a nomination and an election to the State Legislature which convened on the 1st of January, 1846.

Though this was Tilden's first experience in any legislative body, his colleagues were not long in discovering his value. The most conspicuous service that he rendered in that body probably was the part he had in adjusting a controversy between certain landlords and their tenants, which had become so flagrant as not only to disturb the public peace of several counties in the State, but which had a more or less controlling and unhappy influence upon its party organizations.

A very considerable portion of the land in several counties of the State of New York were held under titles conferred before the Revolution of 1776, and carrying with them important manorial and feudal privileges. These lands were let by the proprietors upon perpetual leases, the rent payable in products of the soil, poultry, and personal service, — all mill privileges, mines, right of way, and sundry other incidental advantages being reserved by the proprietors. As the State became more populous, these lands and their products became more valuable, and the pernicious character of these tenures more and more oppressive to the tenants. Upon the death, in 1839, of Stephen Van Rensselaer, of Albany, one of the largest land proprietors in the State, his holdings comprised a tract some twenty-four miles long and forty-eight miles broad. His tenants were in arrears for their rent nearly four hundred thousand dollars. Attempts to collect these rents

were forcibly and successfully resisted. Armed patrols were established which, aided by the adoption of various disguises, enabled the tenants successfully to defy the civil authorities. The militia were called upon to reënforce the civil authorities. This provoked the tenants to the organization of what were called anti-rent clubs, throughout the manorial districts, with the view of acquiring a controlling influence in the Legislature. Small bands, disguised as Indians and well armed, were organized, and kept in readiness to resist the officers of the law whenever they attempted to serve the tenants with legal process. These bands guarded all the roads through the manorial territory so effectually that it finally became unsafe for any one not an anti-renter to be found anywhere within their lines.

Mr. Tilden encountered a formidable body of them among his colleagues in the Legislature. Their grievances could not be wholly denied, still less could the means to which they had resorted for redress be tolerated. The situation was beset with difficulties. The subject was treated at great length in the governor's message, and at an early stage of the session was referred to a special committee, of which Mr. Tilden, who was a native of one of the manorial counties, was made the chairman. His report formed the basis of the legislation adopted before the close of the session, which promptly and completely extinguished an element of discontent that had persistently disturbed the public peace, often to the verge of flagrant war, for nearly a century.¹

While a member of the assembly Mr. Tilden was elected to the convention called to revise the State Constitution in the summer of 1846. In this body he devoted his attention more especially to questions of finance and the canals, the two subjects about which the average State legislator has least knowledge, and with which, both by his lack of train-

¹ "Writings and Speeches," Vol. I. p. 188. Assembly Documents for 1846.

ing and experience, he is least competent to deal. No one, with perhaps the single exception of Michael Hoffman, had more to do with shaping the provisions of the Constitution finally adopted, relating to the management of the canals, than Mr. Tilden. He was also chairman of the select committee on corporations, and reported the provision which requires corporations to be formed under general laws, instead of special acts, and which reserved to the Legislature the right to alter or repeal their charter, at its discretion. The late Charles O'Connor, who was also a member of this committee, shares with Tilden the credit of this work.

But the subjects on which he was *facile princeps* in the convention were those relating to currency and banking, and upon the provisions of the Constitution of 1846, which relate to those subjects, he left a more distinct impression than was left by any of his colleagues.

His friend, Mr. C. C. Cambreling, who had had a distinguished career of twenty years in Congress, was chairman of the Committee on Banking. Sir Robert Peel had two years before carried the famous provision of the charter of the Bank of England, by which its circulating notes were limited to a fixed minimum, and the excess was supposed to vary according to what would be the fluctuations of a specie currency.

This measure was at that time believed by all except a few advanced thinkers, like Tooke, Fullerton, and Lord Ashburton, to afford a perfect protection against future revulsions in business.

Mr. Cambreling was captivated by the theory, and proposed an imitation of it in a provision which required the Legislature from time to time to limit the aggregate circulation of the banks. The section was adopted by a vote of 51 to 27. The next day Mr. Tilden moved to reconsider this section, and, after a sharp contest, the motion was carried and the section was stricken out — 57 to 41. In

this discussion Mr. Tilden made a remarkable speech, which will be found in the Atlas edition of the debates (page 1001). In that speech will be found the germs of the best modern thought on the subject.

There is an interesting allusion to this speech in a letter to the late George Bancroft, written by Mr. Tilden in 1886, the very year of his demise.

"GRAYSTONE, Feb. 12, 1886.

"DEAR MR. BANCROFT:

"I have received a copy of your 'Plea for the Constitution of the United States,' which the publisher sent to me at your request.

"I note your strong expressions of your sense of the importance of the theme when you say you 'have thought it right to bestow upon it many of the few hours that may remain to you for labor.' To the eyes of your countrymen those hours grow more valuable as they become fewer.

"As an argument your plea is overwhelming. Indeed, until new lights recently dawned upon the court and upon some others, in all our national history it has been universally considered as axiomatic that Congress had no constitutional power to make anything but gold and silver a legal tender. That conclusion was always assumed when the subject was incidentally alluded to. Forty years ago, in a speech in the constitutional convention of the State of New York on the subject of currency and banking ('Tilden's Public Writings and Speeches,' Vol. I. p. 222), I recognized the disability of any government in this country, State or Federal, to make a legal tender of anything but gold and silver.

"In all the literature of political economy, of currency, and banking, this postulate was taken for granted.

"It is a long time since I have had the pleasure of seeing you or Mrs. Bancroft. I was gratified at the account of you which I received from my niece, who recently visited Washington. I hear that you have lit up your household by the sunshine of a young lady of your kindred.

"I am passing the winter at a country home perched up

on a cliff overhanging the Hudson, four hundred feet above the tide. I send you a picture of the place.

"With best regards for yourself and Mrs. Bancroft,

"I remain, very truly yours,

"S. J. TILDEN."

The ease with which Tilden leaped into prominence as a leader the first year of his appearance in a deliberative body, boded ill for his career as a lawyer. When the conventions adjourned on the 9th of October, 1847, it seemed that the pathway to political distinction was opened so wide and plain before him, that he had no recourse but to walk therein. Luckily for him a different destiny was in reserve.

Governor Wright had just been renominated, almost unanimously, for governor. If elected, nothing in the future appeared more certain than that he would have been Mr. Polk's successor in the presidency. The reversion of the chief magistracy to such a formidable opponent of slavery extension as Governor Wright, who could neither be corrupted nor cajoled, was then regarded at Washington as a peril, to avoid which no sacrifice was too great. The magnitude of the sacrifice of Mr. Wright was as correctly appreciated at Washington, and by the very men who were to offer it up as a propitiation to the demon of slavery, as at Albany, but to the short-sighted vision of the statesmen then in the ascendant at the national capitol the political supremacy of the slaveholding States was to be maintained at any price.

The influence of the federal government was, therefore, all turned against Mr. Wright, and it proved to be sufficient to give a majority of some eleven thousand to John Young, the candidate of the Whigs.

Mr. Wright, at the expiration of his term, returned to his home in St. Lawrence county, consoled by the reflection that the evil consequences of taking him from the Senate,

and making him a party to the faction fights in New York, had resulted as he had predicted, — in disaster to the party and his own political destruction. He died within nine months from his retirement.

The annexation of Texas and the war with Mexico which ensued resulted in the acquisition of vast territories sooner or later to be organized into States, to be consecrated to freedom or to slavery. To open these States to slavery and reënforce the slave representation in Congress, it had become necessary to paralyze the Democratic party in New York.

The first steps towards this end had been taken in the defeat of Mr. Van Buren and putting a Southern man in his place; the second had been taken in the defeat of Governor Wright; the third, yet to be taken, was to deprive the Democracy of New York of its legitimate influence in Congress and the next national convention.

In this scheme the administration was entirely successful. At the commencement of President Polk's administration the Democratic party was completely in the ascendant in New York. It had elected its governor and lieutenant-governor; it had a majority in both branches of the Legislature, and a majority of the delegation in Congress. At the expiration of two years its chief magistrate was a Whig, and its congressional delegation was reduced to a meagre minority. The following year the whole legislative power of the State was transferred to the Whigs by an overwhelming majority, and the schism in the party, encouraged by the bestowal of all the patronage of the federal government upon the "Hunkers," threatened to become chronic.

There were now two Democratic organizations in the State, one maintained by federal patronage in the interest of negro slavery, and the other maintained by the uncorrupted public opinion of the party in the interest of free labor.

At the close of the session of the Legislature in April, 1848, the Democratic members issued an address in defence of their attitude towards the federal government, which, in view of the momentous gravity of the problems it discussed, the ability and courage with which it treated them, and the results to which it gave the initiative, deserves to be regarded as one of the most important communications which ever emanated from the government of this State. It was written mainly by the ex-President, Martin Van Buren.

At the threshold of the Free-Soil revolt of 1848, ex-President Van Buren, who was spending the winter in lodgings at Julian's Hotel, in Washington place, New York, said one day to Mr. Tilden as he handed him a manuscript, "If you wish to be immortal, take this home with you, revise it, put it into proper shape, and give it to the public."

Mr. Tilden replied that he had not the slightest wish to be immortal by any process that would impose upon him at that time any more labor; but he consented to take the manuscript down to the residence of the ex-President's son, John Van Buren, who then resided in White street, and agreed that if John would do half the work, he would do the other half. John did agree; and a few days after the interview referred to, Tilden and John met at the ex-President's lodgings to report.

Mr. Van Buren opened the subject by asking what they had done with Niagara Falls. This referred to a somewhat ambitious metaphor which had found its way into the ex-President's manuscript. "We have struck that out," was the reply. He laughed, as if rather relieved at having an unpleasant duty discharged by other hands, while they went on to read the result of their joint labors.

After the address had received the combined approval of each party to its composition, the next question was, how to get it before the public. After discussing various plans,

they finally decided to issue it as an "Address of the Democratic Members of the Legislature." Accordingly, on the 12th of April, Senator John G. Floyd, from the Committee of Democratic Members of the Legislature to prepare and report an Address, read the paper to his colleagues, by whom it was unanimously adopted.

This address, to which Mr. Tilden contributed a considerable portion, deserves to be regarded as the cornerstone of the "Free-Soil" party in the State of New York, as distinguished from the party of unconditional abolition.¹

The Democratic party in several of the Southern States, notably in Virginia, Alabama, and Florida, in conventions held for selecting delegates to the national convention, which was to nominate candidates for the presidency to be elected in the fall of 1848, had adopted resolutions summarily denying the power of Congress or the people of the Territories to prohibit the introduction of slaves into Territories then free, and affirming that such prohibition could only be made by a State constitution framed by the people of the Territory, preparatory to their admission into the Union as a State, meantime insisting that those who chose to, might rightfully settle in the Territories in question, accompanied with their slaves. They further pledged themselves under no political necessity whatever to support for the office of President or Vice-President any person who would not openly avow himself opposed to either of these modes of excluding slavery from the Territories, and they instructed their delegates to the convention to vote for no presidential candidate who did not make such a public avowal.

Mr. Van Buren, in the address just referred to, exposes with admirable perspicuity the absurdity of contesting the constitutional power of Congress to control the subject of slavery in the Territories; shows that this power had been officially recognized without a question by every President,

¹"Public Writings and Speeches," Vol. II. pp. 534-574.

including himself, and by the Supreme Court; that the fathers of the republic had with singular unanimity countenanced every scheme which looked to the restriction and ultimate extinction of slavery in the United States; and that the Democratic party had sometimes carried their forbearance towards the South to the verge of culpability, in order not to aggravate the financial, social, and political difficulties which beset the slavery problem in the slaveholding States.

Mr. Tilden sums up Mr. Van Buren's argument in the following paragraph, which is interjected into the address. We cite it here because it is the first formal expression of his views of the national aspects of slavery of which we have any record, and at a time when the expression of such views involved all the political penalties of party insubordination, then, perhaps, far more serious than at any other period of our history.¹

"It is under these circumstances and with such claims upon the forbearance and justice, not to say the gratitude, of the South, that we are called upon to assume the extraordinary and untenable position which we have discussed. We are called upon to deny the constitutional power of Congress to prevent or prohibit slavery in any Territory which is or may come within the jurisdiction of the federal government; to deny equally the constitutional power of the people of such Territory, while in a territorial condition, to prohibit slavery; and to assert the constitutional right of any individual to go into any such Territory and hold slaves there as effectually as he can do in any State where slavery is expressly authorized by law. Further, as we have already shown, the doctrine could not be carried without destroying the foundation of slavery itself, even in the States. This doctrine has been deliberately adopted and promulgated by the Democratic conventions of Virginia, Alabama, and Florida, and in many other forms by our Southern brethren; and the Democracy of the North are called upon also to adopt it and make it a part of their

¹ "Writings and Speeches of Samuel J. Tilden," Vol. II. pp. 563-4.

political creed, and an element of their issue with their political opponents in their own localities.

"We are called upon to repudiate as unconstitutional the power of Congress over the Territories, which has been exercised from the very foundation of the government and under all administrations. We are called upon to deny all power in Congress, which has the government of the Territories, and in the people of the Territories, to prohibit slavery, but to affirm the power of any one individual to establish it within the Territories. No man is compelled to hold slaves even where slavery is expressly authorized by law; and if any man chooses to do so, can hold slaves in Territories. Slavery is just as much established there as it is in the States where it is upheld by positive enactments.

"The doctrine is, therefore, when plainly stated, that wherever the flag of the Union goes it carries slavery with it; it overturns the local institutions, no matter how strongly entrenched in the legislation, the habits, and affections of the people, if freedom be their fortunate condition, and establishes in its place slavery; it repeals the local laws, if they guarantee personal freedom to all, and authorizes slavery. This doctrine we are required to adopt and advocate. Nowhere found in the Constitution, repugnant to its spirit, and abhorrent, as we have shown it to be, to the principles and convictions of the illustrious men who framed it, we are called upon to interpolate this new theory into the Constitution as a sort of mystical common law not expressed, not implied in any particular part, but to be inferred from the general nature of that instrument. We are called upon to do so by our ancient friends and allies, with whom we have been long associated in the ties of political brotherhood, and for whom we have often made great efforts and sacrifices, and perilled our political existence at home. We are called upon to do so under the menace of political disenfranchisement and degradation if we refuse at once to believe, or profess to believe, this new and startling doctrine. We are told that no one who does not make such professions shall be allowed, as far as the political action and support of our old friends and associates can control the result, to receive the highest honors of the republic; that our ancient and intimate association shall exist only for the purpose of allowing us to vote for candidates for the presidency and vice-presidency who hold

their opinions and repudiate ours on this great question ; but that it shall not exist for the purpose of allowing us to nominate or vote for or elect a President or Vice-President who shares with us our convictions, no matter if the majority of a party agree with us ; and that our Southern associates will, under no political necessity whatever, support any man who entertains the opinions which have, with unexampled unanimity, been expressed by the conventions and legislative assemblies of nearly all the Southern States."

The " Address " closes with an allusion to a design with which the Free-Soil Democrats were threatened, to exclude their delegates from the national convention, or to neutralize their votes in that body, by admitting a contesting delegation from the Hunker wing of the party. To this the address replies, Mr. Van Buren holding the pen :

" We are conscientiously satisfied that there is no room for an honest difference of opinion in regard to the right of the delegates selected by the Utica convention (Free-Soil) to sit in the national convention which is to assemble at Baltimore for the nomination of Democratic candidates for President and Vice-President. If a question is made as to their right, *it must be decided, not compromised*. Those delegates should not be insulted by the request that they should yield one particle of the weight to which, as the sole representatives of the Democracy of the State, they are justly entitled."

The national convention met in Baltimore in May, 1848. The seats of the regularly elected delegates were contested by a self-constituted delegation of Hunkers. After much debate, both in committees and in the convention, both delegations were admitted, as they doubtless would have been if there had been no debate, the spurious delegation having been concocted for the single purpose of neutralizing the vote of New York.

The Free-Soil delegation, of which Mr. Tilden was a member, sent in at once a written protest concluding as follows :

"We have no hesitation in saying that if we should consent to divide with them our seats and our votes, we should betray the principles and forfeit the confidence of the pure and fearless party whose commission we bear. We therefore respectfully decline to take seats upon the terms proposed by the convention." The New York delegates thereupon left for their homes, and the convention proceeded to nominate Lewis Cass for President and William O. Butler for Vice-President.

A State Democratic convention was promptly called to sit in Utica on the 22d of June following, to hear the report of their rejected delegates, which Mr. Tilden had been instructed by his colleagues to prepare. That report, which was signed by every member of the delegation, after detailing the factious processes by which the Democracy of New York was virtually excluded from any share in the deliberations of the convention, said:

"Under these circumstances we had no hesitation as to our duty. What respectable men on the committee avowedly regarded as degrading to ourselves and unfaithful to you, we could not have consented to do, if we had entertained or thought it possible for honorable men to entertain doubts on that subject.

"We had not been commissioned by you to make experiments on the as yet unsullied character of our State, or to try how far we could go in degrading submissions without forfeiting the respect of impartial and just men. And when those who were to be made the unwilling instruments of attempting to dishonor you through your representatives recoiled from the unworthy office, and spontaneously expressed their indignation at the test sought to be imposed, and their scorn of those who would submit to it, we could not have stood there, as men falsely claiming to be your representatives did, to argue down the honest repugnance of fair men to do what they thought would degrade us and betray you who had clothed us with our high trust. But we did not need the suggestion of others, however respectable, to inform us what was due to the honor of the

Democracy of New York. Deputed by you to confer with our political brethren of other States in respect to the great concern of our common country, we knew that you would never suspect us of entering upon that conference except on terms of equality and reciprocity. Great as New York is in population, in material wealth and power, and in all the elements of civilization and the moral influence which attend upon it, she will never claim more, nor will she submit to less, than equality to her sister States. The conditions on which she enters into political association with them must apply to the other parties as well as herself; the obligations which bind her must bind them also."

What next? was the question on the lips of every New York Democrat. Shall he vote for Cass and Butler, and thus eat the leak tendered to him at Baltimore? shall he vote for the Whig candidate? or shall he unite with his outraged fellow Democrats and select a candidate whom they can honorably support with a reasonable chance of administering a salutary lesson to the administration at Washington and the sectional influences which controlled it?

The first of these alternatives was promptly and pretty unanimously rejected. The second was carefully considered, but the Whig party was scarcely less divided on the slavery issue than the Democratic, all its leaders of the rank from which Presidents were likely to be chosen having compromised themselves to a greater or less extent by alliances with the pro-slavery party. The third alternative involved an incurable rupture of the Democratic party, a probable restoration of the Whigs to power in the nation, and the inauguration of a struggle which, in the judgment of reflecting men, could only end, though no one could guess when, either in the nationalization of slavery in the United States or its utter extinction. Because it offered what neither of the other alternatives offered, a chance at least for the denationalization and ultimate extinction of slavery, it was finally decided by the leaders of the Free-Soil

Democracy in New York to nominate an independent Free-Soil ticket for President and Vice-President as the right thing to be done, and leave the results to Providence. This decision was reached and proclaimed at a State convention of the Free-Soilers, held on the 15th of September, when Martin Van Buren was renominated for President, and Charles Francis Adams, of Massachusetts, for Vice-President. Gen. Zachary Taylor, of Virginia, who had recently achieved considerable distinction in the war with Mexico, and who had never made any record of his opinions on the slavery question, if he had any, was nominated by the Whigs for President, and Millard Fillmore, of New York, for Vice-President. They received one hundred and sixty-three of the electoral votes, including the votes of the New York electors, while Cass and Butler received but one hundred and twenty-seven, and the federal government in the following March was transferred to the Whigs.

By their success was consummated the disastrous schism which was destined to rend in twain both the great parties of the country, and practically to annihilate the political organization which had given a wise and beneficent government to the country for half a century.¹

Just twenty-eight years after this consummation, which to many seemed fraught with nothing but disaster to the country, the same Mr. Tilden who had been selected by his associate delegates to the Baltimore convention in 1848, to break to their constituents the story of their State's humiliation, received the suffrages of a large majority of his countrymen for the highest honor in their gift; and eight years later, through his influence, another citizen of New York was nominated by a Democratic national convention which imposed no sectional tests, and was elected without the vote of a single slaveholder, to become the chief

¹ The Whig party was divided on the same issues as the Democratic, though in different proportions. It had but a small following in the slave States, where lay the principal strength of the Democratic party.

magistrate and most honored citizen of the nation;—so rapidly are political parties under a popular government sometimes required to expiate their follies and injustice.¹

“On the 15th of May, 1776, the Congress called upon the different assemblies and conventions of the United States, if they had not yet so done, immediately to *erect and establish such a form of government in their respective States as the present situation of things required, and to adopt such a constitution as might contribute to the well-being and security of the State.*

“The effect of Franklin’s return from London was perceptible in this resolution, but still more in the introduction, which was prefixed to the resolution, in the Pennsylvania newspapers. It is there stated that since his Britannic Majesty, with the consent of Parliament, has excluded the inhabitants of the Colonies from the benefit of their protection, it is now regarded as both necessary and useful *to abolish the government and constitution which has been derived from that source.*”²

¹ An eminent German historian has published a statement which shows that in the revolt of the Free-Soil Democrats in 1848, they were following a very respectable precedent.

² Schlosser’s “History of the Eighteenth Century,” Vol. V. p. 175.

CHAPTER VI

At the bar — Nominated for attorney-general — Correspondence with his Democratic competitor — Defence of Comptroller Flagg — The Burdell will contest — The Pennsylvania Coal Company — Professional gains, habits, and characteristics.

THE wreck of the Democratic party in his State and in the nation, and its incurable division on the slavery question, left Mr. Tilden free to devote himself entirely to his profession, in which, in spite of political distractions, he had secured already a firm position. From this time forth, and until he practically withdrew from it with an ample fortune, he had little to do with politics except as a sort of privy councillor and loyal citizen, in both of which capacities his influence upon public affairs grew with his growth and strengthened with his strength.

As early as 1855 he had attained that degree of prominence in his profession which entitled him to be regarded by his party as an available candidate for the important office of attorney-general of the State. It was the year when a wild prejudice against foreigners and Roman Catholics had temporary possession of the country, and most of the candidates of both the old parties in New York, including Mr. Tilden, fell before it. He allowed himself to accept this nomination, which was made without a ballot and by acclamation, — a compliment which political conventions rarely pay to their candidates, — because it was thought he would strengthen the Free-Soil wing of the party with which he was identified, and because, if elected, of which, in the then schismatic condition of the New York Democracy, he had little, if any, expectation, his official duties would all lie in the line of his profession.

In view of subsequent events it may be worth remarking here, that the only resolution or declaration of principles of this convention was the following, offered by John Van Buren and unanimously adopted :

"Resolved, That while the Democracy of this State will faithfully adhere to all the compromises of the Constitution and maintain all the reserved rights of the States, they deem this an appropriate occasion to declare their fixed hostility to the extension of slavery into free territory."

The Democratic party was still divided against itself, and struggling under the disadvantage of two State organizations. In the progress of the canvass Mr. J. S. Sutherland, the "Hardshell" candidate for the office of attorney-general, seeking to score an advantage by trying to place Mr. Tilden in an attitude of hostility to the prevailing political influences at Washington, addressed to him a letter dated Oct. 12, 1855, in which he offered to withdraw as a candidate upon the following terms :

"I was nominated for the office of attorney-general of this State by that portion of the Democratic party of the State called the 'Hards.' You were subsequently nominated for the same office by that portion or section of the Democratic party of the State called the 'Softs.' I look upon the resolutions passed and published by the convention which put me in nomination (a copy of which I herewith enclose) as truly, emphatically, and unequivocally expressing the great principles of the national Democracy and of the Constitution. The third resolution, as you will observe, firmly enunciates the great Democratic principle, 'that it should be left to the people of the State to determine for themselves all local questions, including the subject of slavery ;' it expresses also '*an unqualified adherence to the Kansas-Nebraska bill, and a firm opposition to any effort to reëstablish the Missouri prohibition.*' I approve of these resolutions and have endorsed them, and do now endorse them in letter and spirit.

"Do you look upon these resolutions as truly and faithfully expressing principles of the national Democracy and of the Constitution?

"Do you approve of and endorse these resolutions?

"Are you in favor of the Kansas-Nebraska bill, and of the great principle of the exclusive constitutional right and liberty of the people of the Territories on the subject of slavery thereby affirmed?

"Do you believe that, in the organization of future Territories, Congress will have no right or power, under the Constitution as it now is, to prohibit or prevent the inception, existence, or continuance of slavery in such Territories as a domestic or territorial institution; that the question and subject of slavery as a domestic or territorial institution, in the absence of any express provision or clause of the Constitution giving such right and power to Congress, will and must of necessity belong exclusively to the people of such Territories of natural if not constitutional right; and the only constitutional and legitimate way in which a citizen of Massachusetts or New York can interfere with or act upon that question is by exercising his undoubted right to move to the Territory where the question is pending, and to become a citizen or resident thereof?

"Are you opposed to the organized political verbal 'Black-Republican' fanatics and demagogues of the North who, using words for things, oppose this great principle and call for a restoration of the Missouri compromise line?

"Are you opposed to the State ticket lately put in nomination in this State headed Preston King, and to the declared principles and grounds upon which that ticket was nominated?

"The opinions, propositions, or principles which would be implied as affirmative answers to the foregoing questions appear to me to be plainly expressed, or necessarily implied in the resolutions of the convention which put me in nomination, and of which you herewith receive a copy.

"Please answer these questions by letter at the earliest possible day; for if you answer them in the affirmative, I shall take great pleasure in immediately laying your letter before the State committee of the party which put me in nomination, and shall at the same time inform that committee that I decline any longer to be considered a candidate."

Mr. Tilden by his reply, so far from giving Mr. Sutherland an advantage, placed him in the very position which Mr. Tilden shows most distinctly that it would be dishonorable for any party candidate to occupy: dishonorable towards his colleagues on the ticket, and dishonorable towards the body that nominated him. The admirable taste and skill with which he turned the tables upon his competitor is the feature of this correspondence which most entitles it to a place in these pages.

MR. TILDEN TO MR. SUTHERLAND.

"NEW YORK, Thursday, Oct. 18, 1855.

"DEAR SIR:

"I have received your letter offering, on certain conditions, to send your declension to the State committee of the party by which you were nominated, with my letter of compliance, and to open to me the opportunity of running before that committee for their nomination in the vacancy.

"I think that, on reflection, you will see that it is impossible for me to entertain any negotiation or discuss any conditions for a fusion of a part of the two State tickets as proposed by you, or of the entire ticket as proposed in other quarters; still less can I initiate such an arrangement for my individual advantage, irrespective of the other gentlemen nominated on the ticket with me, and which, even if not intended for that purpose, may result in a call on some of them to reciprocate your withdrawal. Discussions as to the feasibility, propriety, or terms of any union of the two tickets belong not to me, but to the party which nominated me, or its authorized representatives.

"The only countenance I could in any event give to the suggestion would be in retiring myself, and not in being made instrumental in or even a party to causing others to do so. Those who have done me the honor to make me their candidate know that no delicacy toward me need restrain them from anything of this nature which they think it advisable to do.

"Very respectfully,

"Your obedient servant,

"S. J. TILDEN."

The case which first revealed to the bar something of the compass of Tilden's professional resources was one more or less complicated by the politics of the period. The ingenuity and novelty of the processes by which he won it deserve to be remembered.

In the year 1855 the wide-spread jealousy of the influence of the foreign population, and especially of that portion of it which belonged to the Roman Catholic communion in the United States, led, as I have already had occasion to state, to a secret organization of native Americans who came to be known as the "Know-Nothing party,"—a name of reproach which they acquired by replying to all questions in regard to what took place in their lodges or secret councils, "I don't know."

In the fall of that year this party elected the Secretary of State by twelve thousand majority, five judges of the Supreme Court, and a formidable minority of the Legislature. They had nominated at the same election an obscure mechanic by the name of Giles for the office of comptroller of the city of New York. The Democratic candidate was Azariah C. Flagg, who, soon after the defeat of Silas Wright for governor, had come to New York to accept the presidency of the Hudson River Railroad, then in process of construction, and who, at the time of which we are speaking, was the actual incumbent of the office of comptroller of that city.

When the election returns were made it appeared that Mr. Flagg, who was a popular officer, had a small majority. The Know-Nothings were surprised and disappointed, the more so as some of their leaders had large bills against the city which Mr. Flagg had not thought proper to pay, and they naturally desired a new and less critical comptroller. What they could not compass by fair means they sought to compass by foul. They procured the issue of a writ of *quo warranto* requiring Mr. Flagg to show cause why Mr. Giles should not have his place.

Mr. Tilden, who had been a life-long personal as well as

political friend of Mr. Flagg, volunteered to defend him in association with Charles O'Connor and William M. Evarts.

The case was heard before the late Judge Emott and a special jury. James T. Brady and Judge Edmunds, in whose office Mr. Tilden had studied his profession, were counsel for Giles.

The return made from the first election district, in the nineteenth ward, certified that Mr. Flagg had received 316 votes and his opponent 186. It was claimed by Giles' friends that this was a mistake, that a clerical error had been made and an accidental transposition to Flagg of 316 votes which should have been assigned to Giles, and the 186 assigned to Giles which should have been assigned to Flagg. To maintain this theory the relators produced one of the inspectors of the election, a reputable man, who swore positively to the result corresponding to the altered tally-sheets. They obtained some support from another inspector, and introduced evidence to show that the third inspector was intoxicated at the time the return was made up. They also produced one clerk of the poll who supported their case, and the other was not produced by either party. Some witnesses were also called, who stated that they were present at the canvass of the votes in that district, heard the result proclaimed, and made a memorandum of it in little pocket-books, which they produced.

The claimants seemed to have monopolized all the proof attainable, and to have left little or nothing for the defence. Add to this, the tally of the regular votes had disappeared — at least could not be produced. The original canvass had been made, as usual, upon distinct papers, commonly called tallies. The split tally comprised three foolscap sheets, which contained the original canvass of the split votes, and transfers from the tally of the regular vote and the aggregate result, showing the number of votes that each candidate had received. The papers of split tallies, transfers, and summaries that were produced corresponded with the

oral testimony, and confirmed the relator's theory of the alleged error in the return.

Such was apparently the desperate attitude of the controller's case when Mr. Tilden was called upon to open for the defence. The defence, if any could be made, had to be constructed upon the basis of the testimony offered by the relator, for other testimony there was none. The return showed, as the law required, the entire number of votes given in the district, and the regular varieties of what are called regular votes appeared from the prosecutor's own oral evidence. On this slight basis of actual testimony Mr. Tilden constructed an impregnable defence. He had devoted a part of the two previous nights in analyzing the transfers and summaries from the lost tallies, and in the process discovered the means of reconstructing those tallies. The governing principle was this, that there being twelve officers to vote for, wherever a candidate on a regular ticket had a vote, eleven other candidates must have received the same vote. Seizing this idea, he went through all the combinations, the results of which appeared partially on the split tallies and the transfers, and by means of these combinations, eighty-four in number, he succeeded in a complete reproduction of the missing tallies. These results contradicted and completely disproved the pretended transposition of votes, and gave a mathematical demonstration that the relator's case was constructed upon a forgery.

In his opening, and after reviewing the weak points in the testimony of the relator which he was enabled to discover by the light of his midnight researches, he, for the first time, gives an intimation to his adversaries of the weapon he had improvised for their destruction.

"If, by a violent blow," he said, "I should break out the corner of this table, split a piece off, the fractured and abraded fibres of the wood would be left in forms so peculiar, that though all human ingenuity might be employed to fashion a piece that would fit in the place from which the

fragment had been broken it could not be done. These things that are the work of God are so much superior in texture to anything we can do, that when they are broken up our ingenuity cannot restore them.

"There is doubtless some difficulty, occasionally, in interpreting this sort of evidence, or rather in ascertaining enough of the associated facts to found your reasoning upon. And when you think you have to meet a fabricated testimony, what you have to do is to study all the other facts, and all their relations to the particular facts in question, so that you can spread out a full map of the fabricated testimony in equal detail. If, after all this has been done patiently and thoroughly, if the lie escape the ordeal, I shall believe that the God of justice and truth has not well constructed the work of his hands."

He then placed in the hands of the court and jury printed copies of his reconstructed tallies, and of all the regular tickets, and went over them step by step, with the jury, pencil in hand, by which process they were enabled to perceive and demonstrate each for himself the impossibility of the alleged transposition.

Before Mr. Tilden took his seat the case was won and the leading witnesses of the relator were demonstrated perjurers, and his whole case a bungling conspiracy to get possession of the auditing machinery of the city. Within fifteen minutes after the case was submitted to the jury, and without any interchange of opinion, said one of the jurors, they returned a verdict in favor of Mr. Flagg.

To appreciate fully the importance of this decision, it would be necessary to recall the grave issues pending at that election, the vast interests depending upon the retention of Mr. Flagg in office, and upon the defeat of the corrupt conspiracy by which it was intended to oust him. It would be necessary to know what amount of fraudulent bills which Mr. Flagg had refused to audit were depending on the success of Mr. Giles, whose chief witnesses were

more or less dependent upon the owners of these claims. It is not, however, necessary to know anything of all this to appreciate the originality, the ingenuity, and the boldness which were required to conceive and execute a system of defence which literally snatched victory from the jaws of despair.

Mr. O'Connor, one of the associate counsel, has been heard to speak of Mr. Tilden's opening in this case as one of the most remarkable intellectual efforts he had ever witnessed. If anything could add to the value of such a compliment from such a source, it would be the fact, which it is but justice to Mr. Tilden to record here, that he rendered his services in the case gratuitously.

The notoriety which this controversy had acquired, the multitude of the interests depending upon it, the ingenuity by which the counsel for the relator was surprised and disarmed, all conspired to place Mr. Tilden at once in the rank of those who are destined to become leaders in their profession.

Two years later Mr. Tilden achieved another and, in some respects, even a more signal professional triumph.

On the 1st of February, 1857, one Dr. Harvey Burdell was murdered in his own house.

Mrs. Cunningham, a widow lady, and her daughters, to whom he had rented a portion of his dwelling, were suspected of the murder, tried, and found "not guilty." Soon after her acquittal she applied to the surrogate for letters of administration and a widow's third, on the ground of a private marriage solemnized shortly before Burdell's death. Mr. Tilden was retained by the heirs of Dr. Burdell to contest the fact of the alleged marriage. In this, as in the case of Mr. Flagg, his adversaries had all the affirmative testimony, — the marriage certificate, the positive oath of the clergyman who solemnized the marriage, the testimony of the daughter Augusta, who was claimed to be the only witness of the alleged ceremony, and the subscribing

witness to the marriage certificate, and of the two serving girls employed in the house. For the defendants there was no affirmative testimony whatever. Their only resource was the evolution of sufficient evidence on the cross-examination to overthrow the compact and careful array of the testimony of the petitioners. Though satisfied in his own mind that Burdell had been murdered, and by Mrs. Cunningham, and never married, Mr. Tilden found himself unable to produce a single witness who, from personal knowledge, could testify as to any important fact about either the murder or the marriage. He had, besides, to contend with the indefatigable energy of the petitioners in producing "willing" witnesses ready to supply any defect in her case as fast as it was exposed. Mr. Tilden adopted a course which, though not entirely original in the profession, was probably never more skilfully and effectively put in practice. Proceeding upon the principle which guided him in his defence of Mr. Flagg, that the truth in regard to any particular fact was in harmony with every other fact in the world, and that a falsehood could only be even apparently harmonized with a limited number of facts, he determined to conduct his defence by a species of moral triangulation. One hundred and fifty witnesses were examined in the case. Tilden first allowed the witnesses to tell their stories as they had been taught to tell them, and then questioned them in regard to other facts holding certain inevitable relations to those elicited on the direct examination, but which possessed in themselves no particular importance; the object in fixing these points, in driving these stakes, as it were, being to preclude the possibility of bringing new witnesses to explain and alter the original statements without involving a contradiction with these collateral facts. In this way he was enabled to take up the main witnesses, who were few in number, and gradually force them, by rigorous cross-examination, from one point to another, until they would contradict some of these preliminary assertions. That

accomplished, they were soon demoralized and broken down.

The success with which this process was applied, especially to the Rev. Dr. Marvin, who thought he had performed the ceremony of marriage, and of the daughter Augusta, who swore to the room and bed of the bride and groom's cohabitation, was fearfully complete. Though they had at first sworn positively to every essential point in the case, before they left the stand they were not only completely discredited, but they did not leave a single presumption in favor of the marriage. He showed that the clergyman had innocently, perhaps, married another man, and not Burdell, and that on the night of the alleged marriage, instead of sleeping in the room adjoining the doctor's office, as Augusta had sworn, the widow in point of fact slept on the floor above; that Dr. Burdell was in Herkimer county on the Sunday preceding the marriage instead of being in New York, and was in Brooklyn visiting a cousin till after eight o'clock of the evening of the alleged marriage at seven, as sworn to by the Cunningham witnesses. It is scarcely necessary to say that the surrogate did not confer letters of administration upon Mrs. Cunningham, or leave her any further pretext for wearing the widow's crape.

There is probably no case in which Mr. Tilden has been employed that required the exercise of so high a range of metaphysical powers, or in which his penetration of character appeared to greater advantage. His defence seemed almost a creation, and the result produced the more profound impression, as it removed whatever doubt existed in the minds of the people as to Mrs. Cunningham's participation in the murder of Burdell.

The conviction took immediate possession of the public mind, that had Tilden conducted the case for the prosecution when she was under indictment, she would undoubtedly have been convicted. This case occupies one hundred and

forty-seven pages in the fourth volume of "Bradford's Reports."

Though Mr. Tilden exhibited in both of these cases, as in all the great cases with which his name has since been associated, extraordinary ability, he did not win either merely as a lawyer; and it is worthy of remark here that though, like Webster, Mr. Tilden is rarely spoken of or regarded by the public as a lawyer, — his professional endowments, like Webster's, representing such a limited proportion of his power, — he won these suits by the happy combination and exercise of qualities which are not the exclusive or peculiar property of any particular profession: he was not only a lawyer, he was a political economist; he was a logician; he was a politician; he was a man of the world. In a trial, therefore, he had many resources which are far from common, even among the most eminent of the profession. It was this superiority and breadth of development which early in his professional career made his office the favorite resort of large numbers of the great railway corporations of the country, which for some years immediately preceding the war were beset with the troubles consequent upon a management more or less incompetent, corrupt, or indiscreet.

His success in all these great cases was due not more to a knowledge and appreciation of the principles of law than to his familiarity with those broader principles of the science of government, legislation, and finance of which he was a master. In no case that specially engaged his attention did he fail to show originality in its treatment and a fertility of resource which rendered him measurably independent of precedents and authorities. This independence was conspicuous in a suit in which the Pennsylvania Coal Company were his clients.

The Delaware and Hudson Canal Company had a contract with the Pennsylvania Coal Company by which, among other things, it was agreed, in case of the enlarge-

ment of their canal, the coal company should pay for the use of their canal extra toll equal to such portion of one-half the reduction in the expense of transportation as might result from such enlargement. In due time the canal company put in their claim for extra toll. The coal company denied that the cost of transportation had been reduced, or that they had derived any advantage whatever from the enlargement. After tedious and futile negotiations suit was instituted by the canal company, and Mr. Tilden was retained for the defence. The case was tried before Judge Hogeboom, of the Supreme Court, sitting as referee. Seventy odd days were consumed in the hearing, and the testimony offered by the plaintiff fills several large printed volumes. As in the Flagg case, the plan of the defence advised by Mr. Tilden was a surprise both to court and counsel. By a sort of necromancy, which he seemed to have always at command when needed, he smote all their testimony as with a blight, and rendered it utterly worthless.

The question was, whether, in point of fact, the enlarged canal had furnished more economical transportation than the smaller canal had done; but there were an infinitude of facts which seemed to complicate the question and render it nearly incapable of an entirely satisfactory solution. The difference in size of the boats used, the difference in loads, the different periods of detention in loading and unloading, the difference in the length of seasons, — these and many other questions rose to embarrass the problem and to multiply witnesses. In meeting this difficulty, Mr. Tilden's originality, courage, and conscientiousness all appeared to great advantage. What he did we may as well quote in his own words in summing up the case:

"At quite a late stage, comparatively, in this case, when I intervened and undertook to ascertain the relative time of the trip, I did as I always would, if possible, in such a case — I endeavored to simplify the controversy by applying a test which made all this part and many other parts of

the discussion unnecessary. I took a simple integer with which to compare the time of the trip upon the old canal and the time of a trip upon the enlarged canal. The number of trips a boat would make during a season of navigation was subject to be varied by causes affecting the length of the seasons, — by the question whether navigation was for 179 or 185, or any other number of days. It was also subject to be affected by the question whether the boat was all the season in use upon the canal, or was part of the season running upon the river. It was subject to other elements of disturbance and irregularity. I discarded it and took a single trip as the integer, and made my computations, as later in the day I shall endeavor to show your Honor, upon the time of the trip considered singly — causing to be examined and computed every trip made by the plaintiff's boats in a period of four years upon the old canal, and a period of four years upon the enlarged canal, every trip of which the books of the plaintiffs give a complete record — and from them deduced an average time which I computed as the time of a single trip and made my integer. I was, therefore, enabled to dismiss altogether from my investigation the question whether this particular canal-boat No. 1 was upon the canal the whole season, or six months, or three months, or one month, or for how long a period it was upon the river. I got as my result what that boat did while and whenever it was actually upon the canal.

"It may have been unfortunate that this mode of treating the question did not receive earlier and more general attention; for the habit formed of talking about the small number of trips made by the boats on the enlarged canal as resulting from the employment of the boat for certain days, or certain parts of the season, upon the river and not upon the canal, has survived all necessity for the discussion of any such facts."

A lawyer less courageous or less conscientious than Mr.

Tilden would have hardly ventured upon such an expedient, for besides involving a fabulous expense of both money and time, if the plaintiffs' claim was well founded, it would have as effectually demonstrated that fact as it actually did demonstrate the reverse. Some notion of the amount of labor required for the preparation of these tables and of the argument that was based upon them may be gathered from the following paragraphs of Mr. Tilden's closing argument :

"I advised our clients to tabulate and ascertain the time of the trips of all the boats during the entire period between the notification of the completion of the enlargement and the commencement of this suit, taking the navigation seasons in which these events happened as complete seasons, and having a fraction before and after these two dates, and to make a similar tabulation in respect to the boats on the small canal for an equal period.

"It certainly took all the influence I had — and pretty nearly exhausted it — to get this done ; because it was a pretty large job. You have, sir, in these tables equal to, at least, twelve years of the labor of a single man. You can read and perceive results here in five minutes, which, if the whole thirty-two volumes of the plaintiffs' books were brought into court, and your Honor should spend the next twelve years in examining them, you would scarcely discover. That was a laborious and costly process. Perhaps it might appear, now, to be unnecessary. It was intended to be decisive. It is, I think, decisive.

"I remember an anecdote which ex-President Van Buren once told me of John Randolph. Somebody was speaking to him in a complimentary vein in reference to a debate in the House of Representatives, and told him that a speech of his had not been answered. 'Answered, sir!' said he ; 'it was not made to be answered.' And so, sir, these tables were not made to be confuted. They are made according to the best process of scientific analysis ; proved,

step by step, from the records of the plaintiffs themselves, and are introduced here in strict conformity to the rules of evidence.

"They will establish and do establish the proposition they were intended to determine — when I did not know, and nobody knew, what the result of the investigation would be. Never, sir, anywhere, or on any other occasion, was there such a body of evidence upon any such question involved in litigation."

By these tables, and by taking a single trip as the integer, Mr. Tilden rid the case of the question of the duration of particular seasons and all the testimony that related to it; and in getting rid of that he got rid of a second, — whether the boat was used part of the season on the river and part of the season on the canal, for it was evidently immaterial how many trips the boat made in a season, the point was what time it took to make one trip. If he could deduce the law governing the navigation; if he could show that the navigation on this enlarged canal during the period in question was governed by a constant, uniform law belonging not only to fast trips and to slow trips, but to all the trips, there was an end of all the talk and all the testimony about the specialties and peculiarities of a particular season during the four years in controversy.

The tables proved to a mathematical demonstration that the round trip on the enlarged canal took forty per cent. more time than the small boats in the original canal, and that by diminishing the aggregate of the service during a given time, the cost of transportation was proportionately enhanced. There was no possibility of escaping or resisting this conclusion, and a verdict was given accordingly in favor of Mr. Tilden's clients.

The amount claimed was twenty cents a ton on an annual transportation of five or six hundred thousand tons a year for some ten years, besides a royalty of the same amount for an indefinite future. It was a crisis in the fortunes of

the Pennsylvania Coal Company, through which it was successfully conducted by a device which only a great man would have had the ability to invent, only a brave man would have the courage to suggest, and to which only a thoroughly conscientious man would be willing to trust.

Among many other cases in which Mr. Tilden was engaged, we will allow ourselves to refer to one in which his strictly professional abilities appeared to special advantage.

In the year 1858 the Cumberland Coal and Iron Company brought suit in the New York Supreme Court against two of its directors, and the president of a company of which the said two directors owned practically all the stock, to set aside the sale of a large tract of the plaintiffs' lands, which by fraud and misrepresentation the said directors had induced the plaintiffs to alienate to them, and for an injunction against the transfer of said lands to the company of which the said directors held all but ten of the five thousand shares.

Upon a motion to dissolve this injunction Mr. Tilden and C. A. Rapalle appeared for the coal company. The feature of Mr. Tilden's argument was his successful effort to extend to corporations the important doctrine that trustees may not become purchasers of property confided to them, nor traffic at all in the property of their *cestui que trusts*. Upon these points this is now the leading case.

Mr. Tilden's success in rescuing corporations from unprofitable and embarrassing litigation, in reorganizing their administration, in reëstablishing their credit and in rendering their resources available, soon gave him an amount of business which was limited only by his physical ability to conduct it.

Since the year 1855 it is safe to say that more than half of the great railway corporations north of the Ohio and between the Hudson and Missouri rivers were at some time his clients. The general misfortunes which overtook many of these roads between 1855 and 1860 called for comprehen-

sive plans of relief. It was here that his legal attainments, his marvellous skill as a financier, his capacity for concentrated labor, his constantly increasing weight of character and personal influence, found full activity, and resulted in the reorganization of the larger portion of that great network of railways upon conditions by which the rights of all parties were equitably protected, wasting litigation avoided, and a condition of great depression and despondency in railway property succeeded by an unexampled prosperity.

Mr. Tilden's professional career was singularly marked by his individuality. Whether in court, in his office, or on the highway, he exhibited none of the badges of the conventional lawyer. His law training seemed in him like the mastery of a foreign tongue as subordinate to more important uses. His acquaintance generally no more thought of him as a lawyer than we are wont to think of Milton as an organist or of Gladstone as a wood-chopper. Skill at the bar was simply one of his accomplishments. He always lived a larger life than was expressed in his profession, and for larger purposes than winning the suits of his clients. And yet no member of the legal profession in New York ever accumulated so large a fortune or won for himself a more enviable professional reputation in so short a time. Neither did he ever have, in the common acceptance of the term, a very large practice. His power lay in the thoroughness of his preparation. He was never content to go into a fight of any kind without forecasting and providing for every contingency that could be anticipated, and he spared no amount of time or labor in the effort to place his clients in positions to defy the caprices of fortune.

He concentrated his energies entirely upon cases involving large, often enormous interests; cases requiring the exercise not only of great abilities, but more time and personal attention than lawyers with a large office practice can usually afford to bestow. The litigation of cases of minor importance he neither invited nor encouraged, and if such

business came to his office it was confided to his subordinates. His professional charges were exceedingly moderate, and were graded upon the amount of work done, rather than upon the advantages realized from such work by his client. This with him was a matter of principle, and he distrusted the clients who came to his office with gross retainers.¹

¹ Among Mr. Tilden's papers were found some bills rendered by him in important suits to which reference has already been made.

If the example of the dead can go for anything with members of the bar of this generation, the publication of the following extract from a bill for services to the Pennsylvania Coal Company for a single year may prove a public benefaction:

THE PENNSYLVANIA COAL COMPANY, TO S. J. TILDEN.		
1849.		<i>Dr.</i>
April.	To advising as to the mode of taking and holding land for the Washington Coal Company, and preparing forms of contract	\$25.00
March 12.	To attending consultations and advising as to the proper mode of uniting the Washington Coal Company and the Pennsylvania Coal Company	50.00
" 13.	To drawing proceedings of the Washington Coal Company to effect the same	25.00
" 14.	To drawing proceedings of the Pennsylvania Coal Company to effect the same	25.00
" 24.	To attending at office of the company on request and consultation in regard to titles of various parcels of land and water lot and in respect to various acts in merging the two companies	10.00
" 25.	To Ditto	10.00
" 26.	" "	10.00
" 27.	" "	10.00
" 28.	" "	10.00
" 29.	" "	10.00
" 30.	" "	10.00
" 31.	" "	10.00

THE PENNSYLVANIA COAL COMPANY, TO S. J. TILDEN.		
1850.		<i>Dr.</i>
Jan. 8.	To attending sundry consultations in respect to the contracts with boatmen; advising in respect to and amending the same	\$25.00
" 9.	To drawing special forms of bill of sale and power of attorney to transfer stock of the Pennsylvania Coal Company	10.00

In one of his communications to the public he said :¹

"I declined retainers from Fisk in matters involving no scandal, but in which he had not my sympathy after he had informed me that he had paid counsel, during the year, many times the largest fee I had ever received, adding, 'We don't want anybody else — we want you.'"

In repelling an assault made upon him some years later by a corrupt judge in New York city whom Tilden had been instrumental in impeaching, he made some statements which set forth in impressive terms the ethical principles which controlled his professional life. He was charged with receiving a retaining fee of \$10,000 from the Erie Railroad for which he did no work, and for which he was expected to do nothing, unless it was to compromise himself in the interest of the rogues who then had possession of that corporation. The late George W. Cass effectually disposed of the imputation in his reply to a letter addressed to him by Mr. Tilden, near the close of which Mr. Tilden said :

"I do not mean to say that it might not happen that a retainer is sometimes received and yet no further services rendered in the case. I presume that this often happens without impropriety. I have only to say that, so far as I recollect, it never has happened to me in any single instance of my professional life. I have been content to receive compensation fixed by agreement with my clients after the services were rendered. I have in no instance had any controversy or difference of opinion with any client as to the amount of compensation. I have never heard of any discontent after the settlement, unless this may be such a case.

"Since there is an elaborate attempt to misrepresent an

Jan. 9.	To drawing special forms of bill of sale and power of attorney to transfer the stock of the Wyoming Coal Association, and also power of attorney to execute the articles of said association	\$15.00
" 11.	To attending consultation and advising in respect to certain contracts with boatmen	10.00

¹"New York City Ring, its Origin," etc., p. 15.

act of my professional life, I have a right to say this, without the imputation of egotism; and I have a right to add that, for the last sixteen years, at least, my only trouble has been not to accept more business than I could perform according to my standard of duty and justice to those who intrust their affairs to my management; that I have not accepted half which has been offered, of cases in which the clients were willing themselves to fix my compensation to my full satisfaction out of what they would recognize as acknowledged benefits.

"And I have never hesitated to choose what business I would decline. At the outset of the famous litigation of the Erie, under the presidency of Mr. Eldridge, it was communicated to me that the Erie desired to retain me; and afterward Mr. J. C. Bancroft Davis, in its behalf, twice came to my office to offer me retainers. I declined. In 1869 Mr. James McHenry, when acting in apparent unison with the Erie, several times pressed upon me retainers, in behalf of his scheme of reorganization of the A. and G. W.; but after considering his scheme, I declined. In the same year Mr. James Fisk, Jr., called upon me with Mr. Jay Gould. Mr. Fisk said, with many flattering suggestions, that they desired to retain me in reference to a matter then pending, and in the course of the interview he stated that they had paid within a year \$125,000 to a member of the bar whose name he mentioned. I declined. I do not mean to imply that there would have been anything wrong in acting as counsel for Erie in a proper case; but simply, when an act of mine is challenged, to state facts which are pertinent to my vindication. I have ever stood, not only in my personal conduct, but in my public influence, for the dignity and honor of the bar and the purity of the bench, and against whatever should tend to weaken or degrade the administration of justice. I did so in 1869, when the evils of corrupt times were growing and powerful. I accepted issue in the Democratic State convention of that year. On the 1st of February, 1870, at the meeting which resulted in the formation of the Bar Association, I uttered these unpremeditated thoughts:

"If the bar is to become merely a method of making money, making it in the most convenient way possible, but making it at all hazards, then the bar is degraded. If

the bar is to be merely an institution that seeks to win causes, and to win them by back-door access to the judiciary, then it is not only degraded, but it is corrupt. . . . Sir, I believe that this country is to-night at about the lowest point in the great cycle which we have occasionally to traverse. I believe that there will come a sounder and a better public sentiment, in which speculation, and gambling, and jobbing, and corruption will lose their power, and in which free government will vindicate its right to the confidence of mankind. If I did not believe this, I should think that a very great part of my own life was lost, and all the traditions I have derived from my ancestors.' ”

“It is not to be wondered at,” says James C. Carter in a recent admirable sketch of Mr. Tilden,¹ “that with his profound knowledge of the causes by which human affairs were controlled, combined with such capacities for skilful action, he should have accumulated a large fortune. Aside from what he received for professional services, his large gains were, I imagine, rather easily acquired. Among the mischiefs of an unstable currency is the facility with which men who have the power of dealing skilfully with exceptional conditions may amass large fortunes. Few men understood such things better than Mr. Tilden. He had striven to prevent, as well as a man in opposition could, the issue during the war of an irredeemable government currency ; but I remember his saying to me after the policy was adopted, in substance, ‘Now is the time to make yourself rich. Buy all that you can pay for or run in debt for. Every day it will be easier for you to pay, and your property will correspondingly rise in value or rather in price.’ And at the close of the war he advised the opposite course. I do not know, but I have no doubt he acted extensively on this policy. If there were a question about the propriety of such action he certainly was excusable. Had his counsels been regarded, no such measure would have been adopted.”

¹ “Atlantic Monthly Magazine,” October, 1892.

Tilden never allowed himself to accept a contingent retainer. He judged very properly that such a partnership had a tendency to distrust the proper relations of a lawyer with his clients, and exposed him both to temptations and suspicions which were apt to prove inconvenient and sometimes degrading.

His propensity to thoroughness in all his mental operations made him sometimes tedious before popular assemblies, but in time it came to be pretty generally understood that he never took the platform without having something to say which no one else was likely to say, and without which the presentation of the subject would have been incomplete.

He never lost his presence of mind in court, on the platform, or indeed in any assembly, nor did he ever seem surprised or embarrassed.

He has been heard to say that he had great temptation, because considerable faculty, for sarcasm, but that he made up his mind early in life that one may make as incurable wounds with the tongue as with a dagger, and that a triumph achieved by means of a mortifying or humiliating sarcasm is dearly bought at the cost of incurring an enmity for life. He frequently deplored in John Van Buren his inability to suppress a smart thing, whoever it hit and however it might prejudice the cause he might be advocating. Tilden never lost a friend nor made an enemy by this sort of indiscretion. If he chaffed, as he occasionally did, a presuming opponent, he did it in a way that instead of making his victim angry made him grateful rather for his forbearance, and indisposed him to ever again attempt any liberties with an adversary at once so formidable and so considerate.

He won his cases, so far as success depended upon himself, by no stage tricks or artifices, still less by any technical subterfuges, but by sheer intellectual force concentrated upon the point of least resistance, which point he was pretty sure to discover before engaging with his adversary.

His business habits were about as bad as they could be : one could never count upon finding him at his office ; he was not punctual ; he would stop and talk for hours with a person casually encountered on the street when he knew clients were waiting for him at his office by appointment. He seemed to have appropriated to himself the prerogative in regard to time which the common law only confers upon kings, and to be under the impression that in the long run the world could lose nothing by waiting for him. This was due primarily to his health, which had prevented his submitting to the rules or enduring the discipline of any well-conducted business. Incident to and consequent upon this neglected training was an utter want of method. Those who knew him well would not be in the least surprised to be told that when in full practice he never endorsed or filed away any law paper or made an entry in his register. But if a paper in any proceeding was wanted, and when called for was not promptly produced, he made the office so uncomfortable for his clerks that they took good care to supply the order and method which he lacked, and for which he was unwilling to expend any thought or trouble.

Had not Mr. Tilden's life, like Pope's, been a "long disease," and had his intellectual forces been sustained by an unimpaired physique, his success at the bar would probably have been of such an exceptional character, that, if it did not gradually extinguish his taste for politics, it would have made him a controlling force in our government at a much earlier period of his life, and, in all human probability, the hero of many and more important chapters of his country's history than it is now my privilege to record.

CHAPTER VII

The Civil war — Lincoln President — Tilden's prophetic utterance — Letter to William Kent — Preston King — Edward Everett — Tilden's attitude toward secession — His advice to the Secretary of War.

NOTWITHSTANDING the defeat of General Cass for the presidency in 1848, time and discussion seemed only to embitter the relations between the North and South, and for the next sixteen years the politics of the country were conducted almost exclusively upon sectional lines, the non-slaveholding States becoming daily more uncompromising in their opposition to the extension of slavery into the free Territories, and the slaveholding States even more unanimous in their determination to regard the exclusion of slaves from the free Territories as a violation of their constitutional rights for which a dissolution of the Union must be the inevitable consequence.

In 1856 the anti-slavery wings of the Whig and Democratic parties united to form what they called the Republican party, the cementing principle of which was the subordination of all other political questions or differences to the single purpose of resisting the extension of slavery in the free Territories of the North-west.

At a national convention of this party held in Philadelphia in the summer of 1856, John C. Fremont was nominated as its candidate for the presidency. James Buchanan, of Pennsylvania, was one of the three candidates of the pro-slavery interest. Mr. Tilden was urgently pressed by his old associates in the rebellion of 1848 to join the Republican organization, but he declined, for reasons, the plausibility of which could not be contested. He thought he could be of more influence inside of the Democratic party than

outside of it ; he was unwilling to identify himself with any political party which, so far as he knew, had but one single bond of union ; and finally, — and this was his most serious difficulty, — he feared the consequences of dividing the people of the United States into geographical parties. He had no doubt that the inevitable consequence of the triumph of the Free-Soil party, through the electoral vote of the free States, and without the electoral vote of a single slave State, must be civil war.

Though Mr. Buchanan was elected, Fremont received the electoral votes of the six New England States, of New York, Ohio, Michigan, Iowa, and Wisconsin. His popular vote was 1,341,000, only 497,000 less than were received by his successful rival. The result of this election, in proportion as it encouraged the Republicans of the free States, filled the South with alarm, and the whole four years of Buchanan's administration were spent by Congress — still under the control of the slaveholding States — in efforts to strengthen the entrenchments of slavery.

In the prosecution of their efforts they were more or less countenanced by Tilden and men of his political school, who dreaded the consequences of a collision between what seemed to them a transient national fanaticism.

Mr. Lincoln was nominated by the Republicans for the presidency in 1860. Their antagonists were unable to unite upon a candidate. The extremists of the South, unwilling to trust any Northern man in the state of public opinion then prevailing in the free States, nominated Mr. John C. Breckinridge, of Kentucky ; a schismatic convention of Democrats nominated Stephen A. Douglas, of Illinois ; while the party representing what remained of the Native American schism formed what they called a fusion ticket, at the head of which they placed Senator Bell, of Tennessee. Mr. Tilden did not support the Republican candidate.

Though holding no official relations with any party, and more than ever absorbed by his profession, he attested in

many ways the acute interest which he felt in the impending struggle; he pled with those that would be pleaded with, he reasoned with those he could reason with, and by occasional addresses and by correspondence did what he could to discourage the transfer of the federal government to the control of a geographical party.

Better than any person that I knew, he comprehended the irreconcilability of the forces that were arraying themselves against each other in the country. Exaggerating, perhaps, the danger of attempting to rule the country by a sectional party, he deemed it the part of wise statesmanship to postpone as long as possible, in the hope, through the mediatorial offices of time and its inevitable changes, of avoiding a collision. Among these changes, upon which he most relied were those to be worked out by immigration, which since 1847 had amounted to seven and one-half millions, embracing a number of males between the ages of fifteen and forty, equal to that contained in fifteen millions of our average population. This, he said, would soon decide all controversies in respect to the Territories in favor of the North and free labor; and he was of opinion that it was the part of true statesmanship to wait for this tide of population to rise, and to so manage the inevitable translation of political power as to avoid a civil war—the sure consequence, in his opinion, and as the event proved, of precipitating the conflict. No one contested the force of his reasoning on this subject; but they derided his apprehensions of a civil war. So preposterous did they appear to the impassioned multitude in the North, that I remember myself to have intimated to one of his personal friends a doubt whether he was quite in his right mind on this subject.¹

¹ Only a few days before the election of Mr. Lincoln, and when his partisans were confident of success, Mr. Tilden came into the editorial rooms of the "Evening Post," looking very haggard and preoccupied. Hiram Barney, William H. Osborne, and John A. C. Gray, all Republicans and intimate friends, who chanced to be there at the same time, began to chaff

After the failure of the Democratic party to unite upon a candidate at the Charleston convention in 1860, Tilden was asked to fill a vacancy in the delegation from New York at the adjourned meeting of the Democratic convention of that year in Baltimore. In that body he made two speeches, in which he portrayed, as an inevitable consequence of a sectional division of the Democratic party, a corresponding division of the States and an armed conflict. These speeches were described by those who heard them as inspired by a solemn sense of patriotic duty, and a most vivid perception of impending dangers. Although they made a profoundly painful impression, they failed to influence the action of the delegates in season to avert the consequences he had predicted.

About two weeks before the presidential election of 1860, Tilden published a letter in the "New York Evening Post," addressed to William Kent, in which he set forth with great care his view of the perils to be apprehended from the success of the Republican candidate.¹

He assumed correctly that Lincoln could not receive the electoral vote of a single slave State; he argued that the condition of politics in which the federal government should be carried on by a party having no affiliations in the

him about the political situation. He listened for a time without relaxing in the slightest degree the sternness of his expression, or uttering a word. Presently, as if suddenly filled with the spirit of prophecy, and in a tone of intense emotion, he exclaimed, "I would not have the responsibility of William Cullen Bryant and John Bigelow for all the wealth in the sub-treasury. If you have your way, civil war will divide this country, and you will see blood running like water in the streets of this city." Having uttered these words he rose and left the office.

Ten or fifteen minutes later, Andrew H. Green, who had a desk in Mr. Tilden's law office, called and asked me if Mr. Tilden was not there. I said he had just left, and then, lowering my voice to Mr. Green, I said, "You had better look Tilden up at once and get him home. He is very much excited." Much as it would have grieved me, it would not have surprised me had I heard any time within ten days or ten hours that he was a raving lunatic.

¹ "Writings and Speeches," Vol. I. p. 289.

slave States would constitute a government out of all relations with those States, that it would be in substance the government of one people by another people, and that from the natural operation of inflexible laws must result in efforts at separation and lead to all the imaginable and unimaginable disasters to be apprehended from such efforts; he thought it wiser, therefore, to temporize, to depend upon the revelations of the census to dispose of the slave question, and meantime bear with our present evils rather than fly to those we knew not of.

A few months before Tilden's death he put into my hands one day an envelope on which was endorsed, "'Evening Post,' Oct. 30, 1860. An editorial upon Tilden's letter to William Kent, the Union, its dangers." He handed me this envelope with a smile, but without any remark. I received it in the same way. The editorial was not a clipping from the "Evening Post," but a pencilled copy. The fact that he had taken the trouble to have it copied and to preserve it for nearly thirty years, interested no less than it surprised me. For the same reason my readers may feel some curiosity to know the tenor of it. I hope they will pardon me, therefore, if I am guilty of any indelicacy in gratifying their curiosity. The editorial of the "Evening Post" was entitled "Mr. Tilden's excuse for disfranchising the free States." After referring to some of the transient conditions under which the letter appeared, which are no longer of any importance, the article continued:

"Mr. Tilden's communication is addressed to the Hon. William Kent, between whom and himself an uninterrupted political antagonism has existed since the days when their fathers were active opponents, but who now, like Pilate and Herod, are brought together and united by the bond of a common outrage upon what we regard as the cause of truth and justice.

"We do not propose to review Mr. Tilden's paper at length to-day; a logical and conclusive answer to all its

positions is in the course of preparation, and will appear in the 'Evening Post,' D.V., just one week from to-morrow afternoon, and to the paper of that date [the day after the election] we refer Mr. Tilden and his friends, if they will be so good as to wait, for the facts and figures upon which the Republican cause and its representatives rest their case. In anticipation of that event, however, we have a few words to say of its main features.

"Mr. Tilden commences with a somewhat elementary statement of the secret virtue of our federative and representative system, 'by which the will of all parts of the community is collected, averaged, and represented in the policy finally agreed upon. This is the method of self-government.'

"Upon this he argues that the Republican party, having no extensive organization in the slave States, is a 'phenomenon new and startling, and, if allowed to triumph, by virtue of its Northern strength will place the slave States in the relation of a foreign government to the federal administration.'

"Mr. Tilden and ourselves would not agree as to the actual strength of the Republican party at the South, and still less as to what he states as one of the causes of its weakness there. 'This condition of things,' he says, 'is not an accident. It is the result of five years of earnest discussion before the Southern people of the character and objects of the Republican party.'

"Will Mr. Tilden pretend that the character and objects of the Republican party have ever had a hearing before the Southern people? Will he pretend that there is a statesman or a press in any of the Southern States south of Virginia that would be permitted to explain and vindicate Republican principles for a single hour? It is only a week or two since the news reached us of a Methodist clergyman being hung like a dog, on suspicion of favoring the election of Lincoln; and one of the three presidential candidates

whom Mr. Tilden advises his friends to vote for at the coming election had the grace to taunt the Republican candidate with not daring to visit the grave of his father, who lies buried in Kentucky. We do not dwell upon the insolent pride with which Mr. Douglas seems to contrast his privileges with Mr. Lincoln's in the slave States; we refer to the case only to show by the most signal illustration that could well be imagined, how far from the truth is Mr. Tilden's assertion that the character and objects of the Republican party have ever been earnestly discussed or fairly open to discussion in the Southern States. The fact is notorious, that the policy and purposes of the Republican party are not much better understood by the great body of the people in the South to-day than they are in Mongolia or Crim-Tartary, nor will they be till the federal government passes into the hands of men who will administer it in the interest of the whole nation, and not for the exclusive advantage of an oligarchy.

"It is their misfortune and not our fault that they will not allow our journals and tracts to circulate in their borders, that they burn those who come among them to utter our doctrines, that they destroy the presses established to advocate them, that they ransack and plunder the mails, and by deliberate legislation and lawless violence exclude every ray of light that may be directed from any Republican source to their understanding.

"Besides, Mr. Tilden is aware that the Republican party does not aim at any interference with slavery in the States; that it never professed to go further than to limit slavery to the Territory of which it has constitutional possession. He fears, however, that the South misunderstands us, and that we are fostering a public sentiment in regard to their social institutions which is fatal to their repose and prosperity. That is certainly the gravest assault upon the system which can be made. If slavery cannot bear the example which the free States are setting them, — the eloquence of industry

with which the meadows and the wharves and the mills of the North resound, — it is certainly not expected that the North should interfere to check that prosperity, to silence her mills, and scuttle her ships, and close her stores. We propose no other interference with the Southern States than an honorable competition for the wealth and commerce of the world. If we can succeed best by free labor, shall we not use free labor? and if the South can succeed best with slave labor, the Republican party certainly does not propose to interfere with it.

"We are satisfied at the North that free labor is best for us and for the free Territories, and we mean to keep them and our own States free from slave labor if we can. Have we not a right to make this effort? Is it disorganizing and revolutionary for us to use all lawful and constitutional means to accomplish this result, if we are satisfied that it is best all around that we should? Mr. Tilden, though one of the rebels of 1848, and a famous Jeffersonian-Ordinance man in those days when his party listened to his speeches [he had been hissed off the platform at Tammany Hall a few nights previous when attempting to teach them some unwelcome truths], says 'No!' He says — here are his words:

"As the policy operates to restrain the emigration of the owner and the slave, but not the white man who owns no slaves, must not the effect be to cause the latter to emigrate? Must not the proportion of the black race to the white be incessantly increasing by the operation of a permanent cause? At last, when the system culminates in emancipation, must not the result be communities almost exclusively of blacks? Can the whites live in such communities? Should we not, in the ultimate effects of the restrictive policy, convert our sister States into negro governments? . . .

"Now, is not the natural increase by which one hundred and twenty thousand are every year added to the slave

population, as much a necessity as the existence of the present four millions? Is not another four millions of blacks within the next twenty-five years just as much a fact as the present four millions? Can any man stop it? Is not the fact which is to come an inevitable incident of the fact which now exists? Must it not be dealt with as a part of the one great fact? To ignore this inevitable incident, is it not shallow in the philosophy, inadequate in policy, disastrous failure in government?

"And what of the free States of the North and the white men? Do they not increase? Is it not just as much a fact that they will want twice and four times the room they now occupy at some future day, as that the blacks and their owners will? When Mr. Tilden helped to raise the flag of rebellion at the Baltimore convention in 1848, because that body would not admit an adherent of the Wilmot Proviso dogma to be a Democrat and entitled to a seat in that body, more than half of the United States was slave territory, occupied by less than one-third of the population of the country. Was not that fully the slaveholders' share? Have the white population, in appropriating less than half, taken an unreasonable proportion for their natural increase? We are surprised that a mind, ordinarily so logical and so conscientious as Mr. Tilden's, should have been betrayed by such a shallow sophism into a political situation which reflects upon the best and noblest endeavors of his life.

"We are now compelled to dismiss this topic, which has already occupied a disproportionate space in our columns to-day, and to refer our readers for what remains unsaid to the columns of this paper on Wednesday next. They will then and there see whether the people coincide in the opinions of Mr. Tilden, that the vote of a non-slaveholder is of less value than the vote of a slaveholder, or the vote of a slave State than of a free State. If they decide as we expect them to do, we hope Mr. Tilden and those who have

been misled by a similar course of reasoning will correct their reckonings by the people's compass, which, after all, is the only one a statesman can trust.

"We have not noticed the alarm which Mr. Tilden seems to feel for the Union in case of Mr. Lincoln's election, because we can't comprehend it. Such anxiety does not seem to us entitled to serious discussion. If we felt called upon to argue the matter with him or any man, we should resort to the logic of the nursery for our weapons. Their case and our reply are fully summed up in the following choice lines of Mother Goose :

" ' Says Aaron to Moses,
Let us cut off our noses ;
Says Moses to Aaron,
It's the fashion to wear 'em.'

"We are with Moses and the fashion, and that is to hold on to the Union 'now and forever.'"

On the 7th of November, the day after the election, the "Evening Post" published the following :

" REPLY TO THE LETTER OF SAMUEL J. TILDEN, CONTINUED
AND CONCLUDED.

"The people of the United States voted yesterday upon the questions at issue between the Republicans and their adversaries, as represented by Lincoln and Hamlin, candidates of the former, and by Douglas and Johnson, Breckinridge and Lane, and Bell and Everett, representing the latter, with the following result :

Lincoln and Hamlin.		Douglas and Johnson.	
Connecticut	6	Missouri	9
Illinois	11		
Indiana	13	Total	9
Iowa	4		
Maine	8	Doubtful.	
Massachusetts . . .	13	Oregon	3
Michigan	6	California	4
Minnesota	11		
New Hampshire . .	5	Total	7
New York	35		
Ohio	23	Breckinridge and Lane.	
Pennsylvania . . .	27	Alabama	9
Rhode Island . . .	4	Arkansas	4
Vermont	5	Florida	3
Wisconsin	5	Georgia	10
		Louisiana	6
Total	169	Mississippi	7
		North Carolina . .	10
		South Carolina . .	8
		Texas	4
		Total	61"

He who reads Tilden's letter to Judge Kent for the first time by the light of subsequent events may think it unworthy of the author's reputation either as a statesman or as a logician. Those who reach that conclusion will do him great injustice.

To be properly estimated, this paper must be considered as a plea in avoidance of a civil war, as he thought, and as events proved, one of the inevitable results of a Republican triumph. It was not written to defend or encourage the Southern people in their modes of dealing with national problems, but to warn the people of the free States of the dangers to which they would expose the country by electing for its chief magistrate the candidate of a geographical or sectional party who could not expect to receive a single

electoral vote from any one of a group of States which covered more than half of the national territory.

Believing, as he did, that the success of the Republican candidate meant civil war certainly and disunion possibly, he made the best plea that he could, — I am not aware that any one ever made a better, — to have this cup pass from us, and we take our chances of a merciful Providence showing us a better way.

Had the editors of the "Evening Post" or its readers, or the people of the North generally, seen as clearly as Mr. Tilden did what were to be the immediate consequences of the Republican triumph, it requires no gift of prophecy to say that Mr. Lincoln would not have been the successor of Mr. Buchanan as President of the United States.¹

¹ The conflicting views taken of Tilden's letter to Kent by thoughtful men is curiously illustrated in the following letters, one from Preston King, at the time one of the United States Senators from New York, and the man who enjoyed in a larger degree than any other one person the confidence of the Free-Soil party of the nation; the other from Edward Everett, then a candidate for the vice-presidency with Bell for President, but who, like Mr. Tilden, took counsel of his fears, albeit well founded, rather than of his faith in the great truth which is the foundation principle of all true statesmanship, that righteousness exalteth a nation.

PRESTON KING TO S. J. TILDEN.

" . . . I look for good results to our country from the election of Lincoln, and, notwithstanding my great respect for you and your opinions, I am inclined to believe that the beneficial consequences to all of his election will be greater from the divided vote of the whole country by which he is elected. But I shall not in this letter undertake to reason with you or to philosophize on the views your publication presents. I hope to see you before a great while and have an old-fashioned talk with you. . . ."

EDWARD EVERETT TO S. J. TILDEN.

"BOSTON, Nov. 6, 1860.

"MY DEAR SIR:

"I cannot content myself with a mere formal acknowledgment of your admirable pamphlet, which I have read with extreme pleasure.

"Nothing which I have met with on the dreadful subject which now convulses the country has seemed to me more clearly or forcibly urged.

"I remain, dear sir, with high respect,

"Very truly yours,

"EDWARD EVERETT."

The potential mood provides a city of refuge for exploded theories and unsustained policies. Mr. Lecky, in his history of England in the eighteenth century, truthfully enough says: "*If* the fatal influence of the French Revolution and of the war which it produced had not checked, blighted, and distorted the natural progress," we should probably have had from this eighteenth century the abolition of the slave trade, a reform of Parliament, the repeal of the Corporation and Test Acts, and an immense reduction of debt and of taxation. The great industrial transition might have been accomplished with comparatively little suffering but for the famine price of corn and the absorption of the mind of Parliament, and it was the introduction from France of the revolutionary spirit into Ireland that for the first time made the Irish problem insoluble.

So Mr. Tilden believed that he could be of more use inside the Democratic party than outside; that the war of 1860 was unnecessary; that time would have brought the relief required; and that the fabulous amounts of blood and money expended in prosecuting the war might all have been saved.

Mr. Tilden and Mr. Lecky may both have been correct in their prognosis, if the advantages they looked for and the evils they proposed to avoid were the only advantages to be secured and evils to be avoided by the generations with which they were dealing. Humanly speaking, both of them may have been wise in their generation, if not wiser than their generation. But in the life of nations as of individuals there are more important ends to serve, greater results to be secured than the reduction of taxes, than economy of wealth or even of human life. Some of those results we can now, with our feeble vision, clearly enough discern; others will doubtless be apparent to our children; while others more considerable than all of these lie far beyond the range of mortal vision, like those stars of which astronomers tell us, so remote that their light has not yet

reached us. Throughout nature all birth is attended with pain and convulsion; the chick breaks the shell which imprisons it, the acorn is burst to emancipate the monarch of the forest, and every new-born grace of character springs from the grave of some weakness slain. The Ruler of the universe had larger purposes in view with this people than sparing the blood of its heroes, than maintaining the supremacy of the Democratic party, or than keeping down our taxes; and the more it cost to accomplish those purposes the greater the necessity for their accomplishment and the greater the danger of deferring it.

Tilden saw the dangers before us more clearly than most men, more clearly perhaps than any one; but he did not see beyond, nor did any one else. The men sent to spy out the land of Canaan did not exaggerate the dangers which the Israelites would encounter in reducing it to possession, but they did undervalue the risks they could afford to take to possess it and the forces ready to coöperate with them.

In this world we must walk by faith, not by sight. Far-sightedness is just as misleading as short-sightedness. Could we foresee some of the remoter consequences of any of our acts, we would do nothing. All function would be paralyzed by apprehension, "smothered in surmise."

Knowledge and wisdom in the great economies of Providence are as different from each other as hydrogen from water. The habit of confounding them has separated human society into hostile camps for centuries, deluded, as a large class have always been, by the notion that only the highly educated are fit to share in the responsibilities of government, or in the choice of those who should administer it. Mere knowledge is no more wisdom than a talent for music is morality, than lust is love, or than a rainbow is rain; and to babes and sucklings there is sometimes given a wisdom which we may seek for in vain among philosophers. How generally Tilden's warnings were laughed at, how utterly his advice was disregarded, and how sooner

even than he had predicted, the Civil war was upon us, it is needless here to dwell upon.

It is permitted to us sometimes to know what has been, but never to know what under different circumstances would have been. That is God's secret. As one of those, however, who made light of Tilden's prophetic alarms, I do not hesitate to say that I have often since envied him the satisfaction he was entitled to derive from the honorable and patriotic efforts he then made to avert the war by which more than a million of our young men were consigned to untimely graves, many thousand millions of property destroyed, and the perpetuity of our republican institutions imperilled.

Earnestly as Mr. Tilden labored to avert the war and to thwart the measures which seemed to him calculated to precipitate it, anxious as he had been to contribute no fresh ingredient of hatred to the seething caldron, when, without any responsibility on his part, the war came, he never for a moment hesitated as to the course he was to pursue. He felt it to be the duty of every citizen to sustain the government in its resistance to territorial dismemberment.

At the comparatively youthful age of eighteen years, Mr. Tilden had acquired settled opinions upon, and shared in the public discussions of, the subject of secession. In a speech at a Union meeting held in Union square, at which General Dix presided, on the 17th of September, 1866, Mr. Tilden, in vindication of President Johnson, incidentally alluded to his early investigation of the subject of secession, and the conclusions to which he then arrived. He said:

"I studied this whole question in 1833, during the controversy between the federal government and the State of South Carolina. If I ever studied any subject thoroughly and exhaustively, it was this question. I arrived at conclusions so clear and so completely thought out, that I have never since felt a shadow of doubt rest upon them. Mr.

Madison, the father of the Constitution of the United States, was then living. He participated largely in the discussions of that period. He brought to the subject full knowledge of the views of the framers, and of the contemporaneous history of the Constitution, a large political philosophy, and half a century of thought, by the one great intellect. In my judgment no man can claim to understand the Constitution or government of the United States who is not familiar with the writings of James Madison. In the discussions of that period it was established that Thomas Jefferson, the founder of the Democratic party, entirely concurred with Mr. Madison in denying the right of any State to nullify the laws or to secede from the Union. Andrew Jackson was President, Martin Van Buren was Vice-President, Edward Livingston was Secretary of State, Silas Wright was a Senator in Congress, William L. Marcy was Governor of this State. All of these great statesmen of New York — Van Buren, Livingston, Wright, and Marcy — shared in the discussions. They all repudiated nullification and secession, as did Jackson, Madison, and Jefferson. . . .

"The Constitution of the United States is, by its own terms, declared to be perpetual. The government created by it, acts within the sphere of its powers directly upon each individual citizen. No State is authorized, in any contingency, to suspend or obstruct that action, or to exempt any citizen from the obligation to obedience. Any pretended act of nullification or secession whereby such effect is attempted to be produced is absolutely void. The offence of the individual citizen, violating the lawful authority of the United States, is precisely the same as if no such pretended authority ever existed. On the other hand, the remedy given to the federal government against the individual citizen, being coextensive with all the powers it may ever constitutionally exert, is in itself complete and adequate; and the idea that the general government may

exclude a State in its corporate capacity from the Union because of offences of individual citizens, for which there is a complete and adequate remedy against them, is totally unknown to our political system. The army itself was simply a gigantic *posse comitatus* to enforce the laws; and the moment resistance to them was repressed, there revived the constitutional system of our fathers."

On the subject of slavery Mr. Tilden's opinions were no less fixed. Though never what used to be known as an abolitionist, neither was he ever the advocate or apologist of servile labor. In the controversy which grew out of our territorial acquisitions from Mexico in 1847, he was for doing everything to secure to those Territories the benefit of the social and industrial institutions of the North. In that sense he acted in 1848 in opposing the extension of slavery into any of the free Territories by the act of federal government; and again, in 1854, when the repeal of the Missouri Compromise was under consideration in Congress, and the flame of sectional controversy broke out afresh, Mr. Tilden was open and decided in his opposition to the repeal, in reference to which he stated in his letter to William Kent:

"I used all my influence, at whatever sacrifice of relations, against the repeal, . . . because I thought a theoretical conformity to even a wise system dearly purchased by breaking the tradition of ancient pacification, on such a question and between such parties."

At a dinner at the house of the late W. H. Aspinwall, in 1860, Mr. Tilden was heard to warn a Southern guest that, if the Southern States persisted in their attempts to secede, they must not expect Northern Democrats to hold the government while they were whipping it; that when the breach became inevitable, the North would take part with the government. To those who thought, as did many then calling themselves Republicans, that on the whole it would be as well to consent to a peaceful separation, Mr. Tilden always

answered that peaceful separation was an illusion ; that the questions in controversy would be rendered infinitely more difficult by separation, and new ones still more difficult would be created ; that if the antagonized parties could not agree upon peace within the Union, they certainly would not have peace without the Union, — they never could agree upon terms of separation, nor could they agree upon the relations to subsist between them after the separation ; and, however lamentable might be the consequences, force could be the only arbiter of their differences.

Though Mr. Tilden was opposed to any illusory concessions to the spirit of disunion ; though he was satisfied after the attack on Fort Sumter that the differences between the two sections could only be settled by the last argument of kings ; and though he was disposed to do everything in his power to make that argument as effective and decisive as possible, — his coöperation with the administration of President Lincoln was qualified by a fixed difference of opinion upon several points. Of these the most vital, and perhaps the only ones to which there is occasion here to allude, were its methods of conducting the war and of providing for its expenses.

Shortly after the attack upon Fort Sumter, Mr. Tilden attended a meeting at the residence of General Dix, in the city of New York. In a conversation with a group of the guests in which he took part on that occasion, Mr. Tilden was heard to say that "the prevailing estimate of the war impending was, in his judgment, entirely incorrect ; that it could not be a small war ; that, instead of seventy-five thousand men which had been called out by the proclamation of the 15th of April, five hundred thousand at least ought to be enlisted, — two hundred and fifty thousand for immediate service, and the remainder to be put in camps of instruction ; that it was idle to hope to get on, except at unnecessary sacrifice, without the advantages of discipline and without preparation on a scale

commensurate with the territorial proportions of the belligerents."

This opinion was in accord with the view Mr. Tilden had frequently expressed on other occasions, and was also in accord with the opinion which he subsequently gave when his advice was solicited by the then Secretary of War. The week preceding and the week following Mr. Stanton's assuming the duties of secretary of war, and at his invitation, Mr. Tilden had frequent conferences with him, at the first of which he said in substance: "You have no right to expect a great military genius to come to your assistance. The whole human race have been able to furnish such men only once in a century or two; you can only count on the average military talent; you have three times the available population and perhaps nine times the industrial resources of your antagonist; though you occupy the exterior line, you have an immense advantage in the superior capacity of your railways to move men and supplies. What you have to do is to make your advantages available; you must make your combinations so as to concentrate your forces and organize ample reserves to be ready to precipitate them on critical points. In the probable absence of military genius you must rely on overwhelming numbers wisely concentrated." Mr. Stanton appeared to adopt these views, but unhappily they did not prevail in the councils of the government.

A year and a half later, when Mr. Tilden, accompanied by Governor Morgan, of New York, visited Washington for the purpose of securing greater harmony of action between the Federal and State governments, Mr. Stanton in a conversation with Mr. Tilden referred to this advice, and added, "I beg you to remember, my dear sir, I always agreed with you."

On the subject of the finances, an element so vital to the successful prosecution of a war, Mr. Tilden's views were at variance with those adopted by the administration. He had

more faith in the people, in their readiness to bear the burdens and make the sacrifices which the occasion required, than was manifested by the authorities at Washington. Before their financial policy was fully determined upon, he advised that the money for carrying on the war should be chiefly drawn from loans to be supplemented by taxes, and no more treasury notes not bearing interest be issued than were barely necessary to supply the new uses created by the government in its own payments. He was of the opinion that if these measures were promptly adopted, so that the supply should keep pace with the wants of the government, the war might be carried on without any serious embarrassment, without any exorbitant inflation of prices, and without any extreme depreciation of the government bonds. In discussing the financial situation of our own State, in his first message to the Legislature in 1875, Governor Tilden thus briefly restates the views which he then entertained and expressed upon this subject :

"The government consumption during the war was mostly of our domestic products. As soon as the channels of traffic could be adapted to the new points of consumption and the new classes of consumers, there was no more difficulty in the transfer of these products from producers to consumers than in the ordinary operations of commerce during peace.

"Governments, in times of public danger, cannot be expected always to adhere to the maxims of economical science; the few, who would firmly trust to the wisest policy, will be often overborne by the advocates of popular expedients dictated by general alarm. If the federal government had paid out treasury notes, not made a legal tender, in its own transactions whenever it was convenient, and redeemed them by the proceeds of loans and taxes on their presentation at a central point of commerce, and meanwhile had borrowed at the market rates for its bonds, secured by ample sinking-funds, founded on taxation, and

had supplemented such loans by all necessary taxes, the sacrifices would not have been half that required by the false system adopted; perhaps the cost of the war would not have been half what it became."

Though Mr. Tilden foresaw the disastrous consequences of the policy which prevailed at Washington, the wild inflation of prices, the ruinous depreciation of government securities, the extravagant premium on gold, and the certainty that the continuation of that policy would lead, as it did, to incalculable disaster; and believing, as he did, that it might even endanger the ability of the government to continue the war, he rigorously abstained from any public discussion of them that might tend to create the discredit which he apprehended, and restricted himself to private remonstrances with the more influential friends of the administration.

While doing all he could to counteract what he deemed the errors of the government both in the management of the war and of the finances, he was determined neither to be made responsible for nor to be compromised by either. His attitude throughout that pregnant period of our history was, so far as possible for a private citizen holding no official or even active relations with any political party, that of patriotic, constitutional opposition to supposed errors of administrative policy, openly coöperating with all the measures of the government of which he approved, and privately discouraging those of which he disapproved.

In a letter to the "*Evening Post*," written early in the year 1863, he had occasion to make a public record of his views upon this subject:

"I am quite aware how difficult is the conduct of a constitutional opposition during the period of war; how necessary it is to guard against its degenerating into faction, and to keep its measures directed to attaining the utmost practical good for the country at every varying stage of public affairs. I know, also, that such an

opposition is often the only means of preserving civil liberty or of conducting an existing war to a successful termination. I have hitherto never failed to see the exact line between opposition and faction, or to keep within it, with an impartiality at no moment shaken by interest, passion, prejudice, or association. I have not for an instant had out of mind the infinite advantage of using, if possible, those who now sway the government, and must do so, though in a less degree, for two years longer, as the instruments of the national salvation. . . .

"Often, when honest, patriotic men, writhing under a sense of public danger, intensified by a future into which no eye can penetrate, have appealed to me to say what we would do to save the country, I have had occasion to counsel patience with errors which were drifting us as well as their authors to swift destruction, to revive the sense that the men who at present administer the government are our constitutional and legal agents, and that, though they claim from us our full share of the burdens and sacrifices which their policy imposes, without the slightest deference to our convictions in respect to the public interests and public safety, we must still loyally accept disappointment and national disaster, if they should come, before the organism of the government can be reclaimed to a better policy in the due course of the elections."

In this letter he added, quoting from a former speech :

"That in a time of war, we could not deal with our government, although disapproving its policy, without more reserve than was necessary in debating an administrative question during a period of peace; that the reason was, that, if we should paralyze the arm of our own government, we yet could not stay the arm of the public enemy striking at us through it; that it was this peculiarity which had sometimes caused minorities to be suppressed in the presence of public danger, and made such periods perilous to civil liberty."

In October, 1862, Mr. Tilden prepared, in behalf of the Democratic party, a declaration of principles in regard to the value of the Union and the way to preserve it, which produced a profound impression in the slaveholding as well as the free States. The concluding paragraph will explain its spirit and purpose :

"And now if my voice could reach the Southern people, through the journals of our metropolis, I would say to them that in no event can the triumph of the conservative sentiment of New York in the election mean consent to disunion either now or hereafter. Its true import is restoration, North and South, of that Constitution which had secured every right, and under whose shelter all had been happy and prosperous until you madly fled from its protection. It was your act which began this calamitous civil war. It was your act which disabled us as we are now disabled from shaping the policy or limiting the objects of that war. Loyally as we maintained your rights will we maintain the right of the government. We will not strike down its arm as long as yours is lifted against it. That noblest and greatest work of our wise ancestors is not destined to perish. We intend to rear once more upon the old and firm foundations its shattered columns, and to carry them higher toward the eternal skies. If the old flag waves in the nerveless grasp of a frantic but feeble faction to whom you and not we abandoned it; we, whose courage you have tried when we stood unmoved between fanaticism and folly from the North and the South alike, will once more bear it onward and aloft until it is again planted upon the towers of the Constitution, invincible by domestic as by foreign enemies. Within the Union we will give you the Constitution you profess to revere, renewed with fresh guarantees of equal rights and equal safety. We will give you everything that local self-government demands; everything that a common ancestry of glory — everything that national fraternity or Christian fellowship requires; but to dissolve the federal

bond between these States, to dismember our country, whoever else consents, we will not. No ; never, never, never ! ”

Though it seemed to me to be my duty as a journalist often to oppose and criticise the course pursued by Mr. Tilden both before and during the war, and though I have never been able to share his faith that, with the elements then at work in this country, it was possible for our great labor problem to be worked out successfully in the way he proposed, the light of subsequent events has taught me to think more modestly of the course I myself and the party with which I acted pursued, if it has not inspired me with confidence in that which he advised. It was our blindness, I suspect, which gave us the courage and confidence which his farther-sightedness denied him. It would be to every American now a source of profound satisfaction if the emancipation of our colored fellow-citizens could have been accomplished without violence, bloodshed, waste, or injustice. But as has been wisely said by one, the lustre of whose lineage the lapse of two and a half centuries has not been able to impair, “It was not in the divine economy that so huge an original wrong should be righted by any easy process. The decree seemed to have gone forth from the very registries of heaven :

“ ‘ Cuncta prius tentenda sed immedicabile vulnus,
Ense recidendum est. ’ ”

The apprehensions of a civil war and of its turbulent *sequelæ* were not the only, if the principal, source of Mr. Tilden’s anxiety during the canvass which resulted in the election of Mr. Lincoln. The business of his two brothers, Moses and Henry, which for many years had been anything but satisfactory, and had absorbed not only a great deal of Tilden’s time, but of his means also, appears to have reached a crisis in 1860, as we gather from the following somewhat drastic letter to his brother Henry :

TILDEN TO HIS BROTHER.

" PHILADELPHIA, Feb. 9, 1860.

" MY DEAR HENRY :

" The anxiety I feel about your affairs followed me here. It utterly destroyed my sleep the last night I was in New York, and made me sick. I am steadier in my nerves, but have not altered my opinion of the necessity of immediate measures to rescue you and myself from the dangers which threaten us. You must no longer take counsel of hopes which have every time misled you. I shall no longer be governed or influenced by them. Seriously and earnestly we must try once more. But it must be on *my* system, not on *yours*.

" The most immediate danger is that you will need new advances. Your payments are to be met. They will probably exceed your receipts. They are fixed, not when they become due, but when the contracts are made, the purchases of materials or the hiring of labor which call for the expenditure. The only time when they can be controlled is when *these engagements are made*. That I have never been able to teach you. It seems to have been enough for you to wait until the payment came due, and then to rely upon your ingenuity to get the means.

" Cut down, at once, your current expenses. Stop purchase of material beyond the little that is necessary to eke out the present supply. Diminish the expenses for labor.

" Your business last year was 85,000 ; count it for next, not over 80, manufactures at a rate not exceeding 65 or 70 — not beyond 70. Every time hitherto you have been getting an over supply, — cut under boldly. You are too sanguine. There is more danger that you will provide for too much than for too little business.

" In this way you may make the cash receipts go further towards paying current expenses. But I fear that your payments having been incurred on the old bases, there may still be a deficiency. I cannot go on borrowing money to meet it. If you borrow elsewhere, it does not diminish the difficulty. It may shake your credit ; at any rate, it leads to a result of which I have so often and seriously warned you — ruin. As soon as I return, I shall telegraph to you to come to New York, or shall myself go to Lebanon. We

must have instant thought, instant action. Every day increases the evil until the present system is changed.

"It is not to reproach you, but to try to save you that I recall your attention to the utter fallacy of the calculations of the three or four last half-years in which I have been making advances to carry on temporarily these deficiencies. You ought to be convinced that your calculations in this respect are not to be trusted. You must not rely on them. I shall not. I have no faith whatever left in respect to them.

"We must now see and know step by step as we go on. You ought now to feel the propriety of the advice I have so often given you on this subject."

CHAPTER VIII

Constitutional convention of 1867 — Tilden resists the enlargement of the canals — Resents the imputation of having sympathized with the Rebellion — Combats the Tweed ring — Joins in organizing the New York Bar Association — Measures for the reform of the judiciary — Elected to the Legislature, 1871 — Advice of Horatio Seymour — Impeachment of judges — Letters from Charles O'Connor and William Allen Butler — O'Connor's account of the origin of the New York rings — Seymour's nomination for the presidency — Tilden not responsible for it — Letters to the Tammany society — Declines an invitation to speak at a meeting in Washington for the ratification of Seymour's nomination for the presidency.

MR. TILDEN was elected from the seventh senatorial district of New York city as a delegate to the convention called to revise the constitution of the State in 1867. His colleagues from that district were Judge Anthony L. Robinson, Edwards Pierrepont, and James Brooks. He was a member of the committee on the "finances of the State, the public debt, revenues, expenditures, and taxation, and restriction of the powers of the Legislature in respect thereto;" he was a member of the committee instructed to report "the best practical mode of proceeding to revise the constitution," and was also a member of a select committee on "suppressing official corruption by means of constitutional provisions."

The most conspicuous feature of his service in that body was his successful resistance to a scheme for the enlargement of the Erie canal. His speech on that subject was probably the most important deliverance in that convention, as he was unquestionably the highest authority on the subject of canal transportation in that body. To the surprise of most if not all of his colleagues in the convention, he

demonstrated the folly of incurring an expense of twenty or thirty millions of dollars to enlarge the prism of the canal, by showing that the canal as it was, if properly cleaned and worked, would suffice for double the business that was ever likely to be required of it. "It is," said he, "an enlargement of the capacity of the men who administer the canal which is now wanted, and not an enlargement of the canal." He added:¹

"I will undertake to say that if you will appoint, in full charge of the Erie canal, men who can be picked out in this State, and let them manage it upon these principles, practically, they will get a greater reduction of the cost of transportation by the expenditure of a million of dollars, than my friend the gentleman from Erie (Mr. Hatch) will get by his gunboat enlargement if it is carried into effect, at a cost starting with eight millions and culminating in twenty or thirty millions."

These words imported far more than his audience then surmised. No one should attempt to deal officially or unofficially with the management of the canal system of New York without thoroughly mastering the contents of this speech.²

The Republicans were in a large majority in the convention, and the antagonisms of the late war unhappily found too frequent expression in the deliberations, with the result, probably not to be regretted, of the rejection by the people of the constitution which the convention adopted. The extension of negro suffrage became naturally enough one of the burning questions. Mr. Tilden wished that question submitted separately to the people, lest, in the prevailing temper of the public mind of that time, it should imperil the rest of their work. In the course of some remarks upon this subject he made the following statement:

¹ "Tilden's Public Writings," p. 363.

² "Writings and Speeches," Vol. I. p. 347.

"Sir, there recurs to me a singular incident illustrating the extent to which our constitutional regulations have been copied in other States. It happened to me in the convention of 1846 that an article on corporations had been balloted to and fro without coming to a result satisfactory to anybody; and it was sent to a select committee of which I was chairman. That committee decided on the adoption of one provision that I was unable at that time to understand. I reported it as they ordered, and it became a part of the fundamental law. A short time after that I was passing through Albany, and I heard a very curious discussion in the Senate as to the meaning of that provision. On my returning to New York I met the author of it, and I found him as much puzzled as the Senate had been or as I had been. But, sir, that article, clause for clause, word for word, and letter for letter, stands in the constitution of seven different States of the Union. It illustrates to what extent our example is likely to be followed in other States. I consider, therefore, that we have a most august and important duty to perform, and for my part, unmoved by any consideration except my desire to fulfil that trust to the utmost of my ability, rising, as I think it does, above all other considerations that could affect the action of men in this body, and remembering that I shall scarcely live under another constitution of this State, and that all those associations and that honorable pride that have clustered around my native State from my childhood are concerned in the result of our work, I certainly desire to do everything in my power to accomplish that result in the most satisfactory manner. I am not here to question any man's motives or to arraign any man's judgment, but I regret profoundly that this convention has not found itself able, by a little conference among the leading gentlemen who represent the two great parties here, to have come to a result that would have withdrawn this topic from our deliberations. I think it could have been done. I think it is unfortunate that we have not done it. I certainly would be quite content to have a reasonable postponement of this question, provided that postponement did not involve a decision beforehand of the question postponed. But, sir, to be called upon to put the clause in controversy into the constitution, to make it a part of an entire instrument, to vote on its adoption, so that if there be no other

action of this body, and no other action is necessary, the question is wholly and completely decided, does not seem to me to be the best way to reserve the question of separate submission. If we are finally to act upon the whole matter, I shall desire hereafter to submit the reasons which govern my vote on the main question."

In reply to a grossly partisan speech or series of speeches of Waldo Hutchins, of New York, to which some allusions to national politics contributed their bitterness, Mr. Tilden took occasion to denounce the imputation implied, if not expressed, that he, in common with those who acted with him on the finance committee, sympathized with the Rebellion. Mr. Tilden said :

"One other topic deserves a passing notice, and then I have done. The honorable member from the State at large, residing in New York (laughter), has thought it fit, thought it becoming, thought it decent, to describe members of the finance committee, if I understand him correctly, as sympathizing with the Rebellion. Sir, I desire to know of that honorable gentleman, as I am myself a member of that committee, whether he applies any such language to me?"

A MEMBER. — "He is gone."

MR. TILDEN. — "Sir, I am sorry that the honorable member is not here to answer. I pass then from this aspersion, simply saying of it that, so far as he may have intended to apply it, either individually or generally, so that I come within the scope of its application, it is an entire falsehood and calumny, in all its degrees and in all its parts. Sir, at the beginning of the Rebellion, called on by distinguished men to take some part in the public measures in the city of New York relating to that subject, I answered that I would give to the public agents, although elected by the opposite party, although I was unable to influence their policy, a support as full, as fair, as candid, and as liberal as I would have given to Andrew Jackson if he had been in the presidential chair in place of Mr. Lincoln; and during the entire war I never deviated from that position. I did often disagree widely with the policy which characterized the administration during the war; sometimes on military

questions, sometimes in regard to civil affairs and the objects which the war should be prosecuted to attain, and generally on the subject of finance. On that subject I agree with my distinguished friend from New York (Mr. Opdyke). I agree, I believe, with every well-educated political economist in the country. We all thought that it was unnecessary and unwise to introduce, to the extent to which it was introduced, this paper-money system, which is to be the curse of this and perhaps of generations that will come after us. I do not mean to say, Mr. Chairman, that this system, with all its evils, was not and is not an infinitely less evil than it would have been to have submitted to the dismemberment of our country. I have no doubt upon that subject. I have no doubt that every other object except civil liberty, under constitutional government, was inferior to the object of maintaining the unity, the power, and the renown of this great country. But, sir, on the subject of finance, I was of the opinion, with such men as Mr. Gallatin, as well as my friend Mr. Opdyke, that the system adopted was not a necessary, or a wise, or a proper one. When it was adopted, however, by those who had and have the lead in the affairs of the country and the control of the government against my counsels, like a good citizen I endeavored to make the best of it, and even abstained from urging objections to it in public discussions when it was apparent that it would be adopted, and that an exposition of its true character would only tend to hasten the catastrophe which was inherent in the nature of the system, and to the fatal brink of which, as the Secretary of the Treasury afterward avowed, we nearly approached. Sir, I know that it is quite common among small and narrow partisans to make such expressions as the member has thought fit to indulge in with reference to the Democratic party. In regard to almost that entire party, with a few exceptions, eccentricities which happen in all large parties, I believe it to be as utter and complete a calumny as it is in its application to myself. What is to be gained at this day by the revival of these stale and exploded political falsehoods? At what end do they aim? What good purpose do they serve? The honorable gentleman from Rensselaer (Mr. M. I. Townsend), to whom I have already alluded, might have added to the grounds upon which he commended the Democracy, so far as represented upon this

floor, that hitherto they have on frequent occasions forborne to repel aspersions of this character, as false and as calumnious as that to which I am now replying; that they have submitted to them without making any reply, in the hope that this body might not degenerate into a partisan club, and leave its deliberations for the discussion of party politics or the renewal of party controversies, to be revived not with advantage to or in honor of anybody here, and entirely inconsistent with and unworthy of the grand and important public objects for which this body is convened. I hope, therefore, sir, that none of us will have hereafter any further occasion during our session to discuss or refer to such subjects. I have, however, deemed what I have said to-day to be indispensably called for by the insolent tone assumed by the gentleman, in respect to us, who will not consent to be here or to participate in the discussions of this body except as equals and as gentlemen entitled to gentlemanly treatment from all other gentlemen upon this floor."

Mr. Tilden had scarcely finished his labors in the constitutional convention when he was precipitated into a struggle upon which he had more at stake than upon any other crisis of his life.

In the year 1857 the Legislature of the State of New York was beguiled into imposing upon the city of New York a charter which provided that but six persons should be voted for as supervisors by each elector and twelve chosen. In other words, that the nominees of both the Republican and Democratic party caucuses should be elected. At the succeeding session of the Legislature their terms of office were extended from four to six years. This gave a board of supervisors consisting of six Republicans and six Democrats, to change a majority of which it was necessary to have the control of the primary meetings of both of the great National and State parties for four years in succession, a series of coincidences which rarely happens in a generation. The individual man has little enough chance of converting a minority into a majority when allowed a choice

between two opposing parties. This scheme deprived him of that little chance and left the public entirely at the mercy of the managers of the primaries, by withdrawing from the latter all local restraints.

The result of such a political solecism responded promptly to the intention of those who devised it, in a combination between these twelve supervisors and the members of easy virtue in the Legislature, which rapidly developed into the most powerful, reckless, and rapacious organization of which American politics had had any experience. It embraced just enough influential men in the organization of each party to control the action of both; men who in public pushed to extremes the abstract ideas of their respective parties, while secretly they joined hands in common schemes for personal power and profit. It soon acquired the control of all legislation affecting the city, multiplied offices to be filled by its dependents, took possession of the city judiciary, and in time managed to hold the balance of power in the conventions and other political organizations of both parties. Intoxicated by their success and encouraged by the patience with which the people had submitted to their depredations, they induced the Legislature in 1870 to so enlarge their power as practically to place the power and wealth of the city at the mercy of a man who had been a contractor under the city government, and had gradually risen to be the Coryphæus of this combination. His name was William M. Tweed, and the combination referred to has gone into history by the name of the "Tweed ring."

It has been publicly stated by Mr. Tilden — and the statement has never been discredited — that one million of dollars stolen from the taxpayers of New York were taken to Albany to secure the passage of this charter, and a prominent judge of the Supreme Court — a Republican in politics — has been given as authority for the statement that six of the leading Senators of his own party received \$10,000 each for voting for this charter, and \$10,000 more for their

votes in favor of other bills in the same interest during that and the following year. By this charter the city government was confided to several commissioners who were respectively heads of departments, each entirely independent of the other, could only be removed by impeachment, and were accountable to no one. It also provided that all claims should be audited by three persons: the Commissioner of Public Works, the Mayor, and the Comptroller.

In 1866 Mr. Tilden had been chosen chairman of the State committee to succeed Dean Richmond. He has thus stated his motives for accepting this position,¹ which he had accepted with great reluctance, and only after having tried in vain to place it in hands in which he could have confidence:

"I desired to save from degradation the great party whose principles and traditions were mine by inheritance and conviction, and to make it an instrument of a reaction in the community which could alone save free government. Holding wearily the end of a rope, because I feared where it might go if I dropped it, I kept the State organization in absolute independence. I never took a favor of any sort from these men, or from any man I distrusted. I had not much power in the Legislature on questions which interested private cupidity; but in a State convention, where the best men in society and business would go, because it was for but a day or two, those with whom I acted generally had the majority."

Knowing Mr. Tilden's distrust of them and his influence in the State, the Tweed ring, as it is now historically known, attempted to have him deposed by the State convention of 1869 from the chairmanship of the State committee, that they might secure the control of the Democratic State organization. Mr. Tilden accepted battle, and defeated them by the adverse vote of seven-eighths of the convention.

¹ "Writings and Speeches," Vol. I. p. 563.

Before the passage of this "Tweed charter," Tweed was Deputy Street Commissioner. When it became vacant he wished the chairmanship for himself. It was given to another. The new charter vacated the offices of street commissioner and of all functionaries of the Croton department, vested their powers in a commissioner of public works, and conferred upon the Mayor, then A. Oakey Hall, the power to appoint that commissioner. The act was passed on the 5th of April, and on the 9th Mr. Tweed was appointed Commissioner of Public Works for four years. The power of the Governor to remove him on charges was repealed, and all powers of removal were taken from the city government. Impeachment was only possible if the Mayor preferred charges, and the trial of the impeachment was only possible in case every one of the six judges of the Court of Common Pleas was present. In like manner the offices of three of the five park commissioners were granted for five years to three of Tweed's conspirators, with control of every park in the city and of the boulevards. The office of chamberlain, the departments of police, of health, the comptrollership, and the law department of the corporation were all usurped by the same combination, to whom the city of New York, with all its wealth and power, were delivered over in impotent subjection. Nor was any time lost in improving the opportunities for degradation which had been thus nefariously secured.

Within a month after the passage of the Tweed charter, the Board of Special Audit, which it created, were signing orders for the payment of over six millions of money, of which it is now known that scarcely ten per cent. in value was realized by the city. Tweed got twenty-four per cent., and his tools, shares proportioned to their real or supposed value to him. Over \$250,000 was sent to Albany to be distributed among the members of the Legislature.

The percentages of theft, comparatively moderate in 1869, reached sixty-six per cent. in 1870, and later eighty-five per

cent. The aggregate of fraudulent bills audited after the passage of the Tweed charter was about \$12,250,000 in 1870 and \$3,400,000 in 1871.

In December of the year 1869 Mr. Tilden united with a few leading members of the New York bar in a call for the meeting at which the Bar Association was formed. At that meeting a few decisive and defiant words quickened into life an association which has proved an important ally in the cause of reform, and which but for his timely intervention would probably have shared the fate of dozens of similar unsuccessful efforts to organize and combine for public purposes the varied talents and interests of the bar of New York.

"If the bar," he said, "is to become merely a mode of making money, making it in the most convenient way possible, but making it at all hazards, then the bar is degraded. (Applause.) If the bar is to be merely an institution that seeks to win causes, and win them by back-door access to the judiciary, then it is not only degraded, but it is corrupt. (Great applause.)

"The bar, if it is to continue to exist, if it would restore itself to the dignity and honor which it once possessed, must be bold in aggression. (Great applause.) If it will do its duty to itself, if it will do its duty to the profession which it follows and to which it is devoted, the bar can do everything else. It can have reformed constitutions; it can have a *reformed judiciary*; it can have the *administration of justice* made *pure* and *honorable*, and can restore both the judiciary and the *bar* until it shall be once more, as it formerly was, an *honorable* and *elevated calling*. (Applause.)"

The Senators who voted on the 6th of April, 1870, with but two dissenting voices, to hand New York city over to the depredation of Tweed and his confederates were not to come again within reach of the people until the election of the 7th of November, 1871, when their successors were to

be chosen. All hope of rescuing the city from their hands depended upon recovering the legislative power of the State, by securing a majority of the Senate and Assembly. To this end Mr. Tilden directed all his efforts. In a speech at the Cooper Union he stated that the Tweed programme was to control the senatorial representation from this city, and then reëlect eight, and, if possible, twelve, of the Republican Senators from the rural districts whom he had bought and paid for the previous year, and thus control all the legislation that might be attempted there, involving the fate of his freebooting dynasty.

"It was," said Mr. Tilden, "because I had some misgivings that this might be done that I thought it my duty personally to take the field and help you in this conflict." The "ring" felt and feared Tilden's influence. They tried to negotiate and compromise; they sought to alarm the country delegates and country politicians; they offered to surrender all part in the State convention and in the State organization; and severe pressure was brought on Mr. Tilden from powerful men all over the State to accept their proposals and "save the party." Mr. Tilden's uniform reply was, "Who is to have the five Senators and twenty-one Assemblymen from New York?" for he felt that any success which did not include the capture of those positions was a defeat. He went to the State convention, and there, too, he made the same issue. He told them that the object of the "ring" in getting a recognition of their organization by the State convention was that they might go back and nominate twenty-one Assemblymen and five Senators, and then say to the revolting Democrats of the metropolis: "If you don't vote this ticket, you are out of the Democratic party." He denied that the system of organization then in use in the city had any moral right to be considered regular or to bind the Democratic masses, and proclaimed that he would not vote for one of its nominees as Assemblymen or Senators. To use his own language:

"A great many times that offer was repeated, and everything was tendered me except the Senate and Assembly of the State of New York; but I said that *everything else was of no value for them to give*, and of no value for me to take; whatever else I might compromise, the legislation to affect the city government *I could not compromise, and I would not*. (Applause.) I told the State convention, — being the nominal head of the Democratic party of this State, — for the sake of perfect frankness and distinctness, and in order that I might not be misunderstood, — I told them that I felt it to be my duty to oppose *any man who would not go for making the government of this city what it ought to be, at whatever cost, at whatever sacrifice*. If they did not deem that 'regular,' I would *resign as chairman of the State committee and take my place in the ranks of my plundered fellow-citizens, and help them to fight their battle of emancipation*."

The war was thenceforth declared between the State organization and the "ring." It was a bold, some thought a reckless, step. The party organization in the city of New York, controlling a majority of from forty to fifty thousand, and accepted by the State convention for years as the regular organization, had fallen completely into the possession of the "ring," and had been converted into a close corporation, within which no contests could be successfully waged against them so long as they retained their vast official power and patronage.

The despondency and distrust of carrying the election in the city against the nominees of this organization, who would, of course, be in the interests of the "ring," was almost universal; for it is seldom that ten per cent. of any party "scratch" the regular ticket. To the Democratic masses it was said, not only that the accused persons were innocent, but that even if guilty a great organization ought not to be destroyed for the wrong of a few individuals, that the party was not responsible for them, and that the particular nominees were good men. How were the votes of twenty, thirty, or forty thousand Democrats to be

detached from this organization? Obviously nothing short of an organized revolt, under the best Democratic lead, and with no little good fortune, could accomplish so difficult a work against such extraordinary powers as were combined to uphold the existing system.

A party in power is naturally disposed to risk the continuance of abuses rather than hazard the extreme remedy of "cutting them out by the roots." The executive power of the State and all its recently enlarged official patronage were exerted against such a policy. Since the contest of 1869, the "ring," had studied to extend its influence in the rural districts, and when their patronage gave out, showered legislative favors with the recklessness of desperation.

Though without an office or a dollar's worth of patronage in city or State to confer, Mr. Tilden was not discouraged. He planted himself on the traditions of the elders and the moral forces of the community he was defending. That undaunted faith in the harmony of truth and its irreconcilability with error, which we have found sustaining him at the bar, sustained him here. Exactly how, through what agencies, by what instrumentalities, he did not know; but he was sustained by that kind of courage that casts out fear and feels no misgivings, as often happens to those who battle for the right.

Providence came to his aid. The thieves fell out, and one of their number betrayed them. A clerk in the comptroller's office copied a series of entries — afterwards known as "secret accounts" — and handed them to the press for publication. They showed the dates and amounts of certain payments made by the comptroller, the enormous amounts of which, compared with the times and purposes of the payments and the recurrence of suspected names, awakened suspicions that they were the memorials of the grossest frauds. Mr. Tilden soon became satisfied of this, from the futility of the answers received from the city officers when questioned about them, and from other sources, and reached

the conclusion that the city had been the victim of frauds far transcending anything ever suspected. He immediately formed his plan, for the execution of which — as it involved the control of the approaching State convention — the co-operation of several leading Democrats was first secured. He accepted an arrangement by which he was to be sent to the convention from his native district, Columbia county, which had always during the “ring” ascendancy afforded him that opportunity of being heard.

Early in September he issued a letter to some 76,000 Democrats, reviewing the situation and calling upon them for their coöperation. Shortly before the meeting of the convention, an event happened which could not have been foreseen, but which was pregnant with the most important consequences. We will give Mr. Tilden’s account of it as printed by him in a communication published in 1873:

“On the 14th of September Mr. Connolly (the comptroller, and one of Tweed’s instruments) applied to me, through a friend, for an interview. Without knowing its object, I gave it on the morning of the 15th. The most artful members of the ‘ring’ were plotting to save themselves — to come in as parts of a new system, even as reformers, with added power — upon Connolly’s ruin. In his distrust of them, and fears for himself, he sought advice. I began by telling him that I could not be his counsel or assume any fiduciary relations toward him; that he and all the others must surrender all office and all local party leadership, and recognize the fact that their careers were ended. To this he assented, but still wanted my advice. I counselled him that he had no right to resign his office into the hands of his confederates; that such an act would be a new wrong against the public. To his inquiry whether if he remained he could get the money to carry on the government, I told him I would consult Mr. Havemeyer, and we would meet him again that evening. Mr. Havemeyer came, but Mr. Connolly did not. After consultation, Mr. Havemeyer went to Connolly’s house, found him in bed sick, encouraged him, appointed a meeting at my house for the

next morning at ten, and requested, as I had desired, that Connolly's counsel should come with him. Meantime I had examined the law and found a singular enactment, by which the comptroller was authorized to appoint a deputy, and confer upon him for a definite period all his own official powers. In the morning, when Mr. Havemeyer and Mr. Connolly and his counsel came, I pressed Mr. Connolly to surrender the office into the hands of the reformers by deputing Mr. Green to exercise all its powers; that he had less to fear from the public than from his confederates; that if he threw himself upon the mercy of the public and evinced a desire to aid the right, the storm would pass him and beat upon the others. His counsel said it was a personal question. One of them stated the opposite view taken by some of Mr. Connolly's friends. It was that, if he would resign, a man should be put in his place who would have character enough to assume the whole duty of investigation and would exclude the committee of which Mr. Booth was chairman, and that Mr. Connolly should be protected. It was disclosed that the counsel who presented this view had come fresh from an interview with Mr. Sweeney (Tweed's chamberlain).

"At length Mr. Connolly consented, the papers were executed, Mr. Green sworn in, and they left my house only to go to the office of the comptroller and put Mr. Green in possession. The possession of the comptrollership by the reformers was a fatal embarrassment to the 'ring.' It involved a publicity of all the expenditures of the departments, and was a restraint on those expenditures. It engendered doubt and dismay among them. It was an obstacle to such modes of raising money as had bought the charter in 1870, and to the hope of reimbursing advances for such purposes. It protected the records on which all civil and criminal actions must be founded, from such destruction as was attempted in the burning of the vouchers. Every investigation, including that of Mr. Booth's committee, were fruits of that possession. So also was the discovery of judicial proofs in the Broadway Bank, and the collection of such proofs which continued for eight months afterwards, with important results, which have not even yet become public. It divided the influence of the city government in the elections, and struck a fatal blow at the prestige of the 'ring.'"

Then began a struggle on the part of the "ring" to force Mr. Connolly to resign, in order that Mr. Green's powers might cease. On the 18th the Mayor treated Mr. Connolly's deputation of Mr. Green as a resignation; and then, with singular inconsistency, assumed to have the authority to remove Mr. Connolly, though he had but recently insisted that he had no power of removal. The vacancy thus alleged to exist he, on two utterly incompatible theories and both totally unfounded, proceeded to fill.

"Early that morning," said Mr. Tilden, "I sought Mr. O'Connor. My freedom from doubt about the law was no security. The moral support of his great legal name, affirming the validity of Mr. Green's possession, was necessary. He examined the statutes, and had no doubt. He consented to reduce his opinion to writing, saying that he would not take a fee, and inserting the explanation that the opinion was given at my request. It appeared in the 'Evening Post' of that afternoon.

"An attempt, under color of judicial process, to forcibly eject Mr. Green was anticipated. A carriage was waiting to take me to Judge Brady. If a judge could be found to vacate fraudulent orders as fast as they could be granted, it was well. If not, I had resolved the next day to open an issue, in advance of the election of the new Legislature, by proposing the call of a constitutional convention to revise the judiciary.

"Mr. O'Connor's opinion saved that day. Mr. O'Gorman, Tweed's corporation counsel, evading the legal question, advised the Mayor, as a matter of expediency, to acquiesce in Mr. O'Connor's opinion, and the plot thus fell to pieces.

"But there were men behind the Mayor who would not yet give up the struggle. When Keyser alleged that his name on the warrants was forged, the effort was renewed. It was in resisting it that I struck on the clue which led to the revelations of the Broadway Bank.

"The contest in the State convention quickly followed. It is but fair to admit that what I asked the convention to do was more than any party was ever found able to venture upon. It was to totally cut off and cast out from party association a local organization which held the influence

growing out of the employment of twelve thousand persons, and the disbursement of thirty million of dollars yearly, which had possession of all the machinery of local government, dominated the judiciary and police, and swayed the officers of the election. I still think that, on such an occasion, the greatest audacity in the right would have been the highest wisdom, and, in the long run, the most consummate prudence. If the convention could not reach that breadth and elevation of action, it nevertheless did help to break the prestige by which the organization expected to enthrall the local masses. For myself, I at no time hesitated to avow, as my conviction of duty and my rule of action, that a million of people were not to be given over to pillage to serve any party expediency, or to advance any views of State or National politics.

"For more than three months I devoted myself to this contest. Whatever seemed, on a general survey of the whole field, necessary to be done, I endeavored to find the best men and best methods to do. I addressed the Democratic masses. I constantly pointed out to the public the legislative bodies as the turning-point of the controversy. I entered into an arrangement with Mr. O'Connor and Mr. Evarts to go to the Legislature; and when events afterwards induced them to abandon the intention, I went alone. I invited the meeting at which the reform delegation to the State convention originated, and helped to constitute that delegation.

"On the eve of the election, when Mr. Wickham, who was chairman of the newly extemporized Democratic reform organization, came to me to say that they could not supply booths or ballots without \$10,000 beyond what they were able to raise, I agreed to provide it, and did so. With the aid of Mr. Edward Cooper I raised from personal friends, including my own contributions, for the legitimate purposes of the contest, about the same sum which I understand the Committee of Seventy collected from the whole community for similar purposes.

"The Broadway Bank investigations furnished the first, and for a long time the only, judicial proof of the frauds. They occupied me, and some four or five clerks and assistants, about ten days. The analysis of the results and their application as proof were made by myself, as well as the original discovery of the relation of the numbers which

was the clue to all the revelation. The information thus obtained established the fact that but one-third of the nominal amount of the bills sanctioned by the Board of Audit had ever reached the persons who pretended to be entitled to the payments; and that two-thirds had been divided among public officers and their accomplices, into whose hands some of the dividends were actually traced. It converted a strong suspicion into a mathematical certainty; and it furnished judicial proof against the guilty parties. On this evidence, and on my affidavits verifying it, the action by the Attorney-General was founded."

It was found upon investigation that the legislation of the State had never contemplated, or at least had never adequately provided for, the punishment of the class of offenders who were then preying upon its commercial metropolis, and it was of the utmost importance that remedial legislation should be promptly secured. To this end it was arranged, as above stated, by Mr. Tilden that Charles O'Connor, William M. Evarts, and himself should all offer themselves as candidates for the Legislature at the election in November, 1871. Circumstances conspired to prevent the two former gentlemen from standing at that election, but Mr. Tilden stood and was elected.

He gave his chief attention during the session to the promotion of those objects for which he consented to go there: the reform of the judiciary, and the impeachment of the judges who through Tweed and his confederates had acquired the control of the city.

This course was in accordance not only with his own judgment, but with the advice of his experienced friend, ex-Governor Seymour, who wrote him the following letter only a few days before the Legislature assembled:

SEYMOUR TO TILDEN.

"UTICA, Dec. 26, 1871.

"MY DEAR SIR:

"What are you going to do at Albany? Let us see how the land lies. You will be in a minority in the House.

All of the hangers-on and more than one-half of the members hate you. They got their nominations with a view of making money. Everywhere throughout the State active men of both parties have been given an interest in some form in the ring plunder. Sinecures have been given to their friends and relations. They have had a share in jobs. In some direct or indirect way they gained by upholding frauds in New York. All clerks and agents have been cared for in supply bills. You can scarcely put your finger upon a clean spot in Albany.

"They will all laud your labor against the detected rogues, but they hate you, and will give you a fall if they can.

"They are skilful in tactics and in making up combinations. They can beat you in all these ways. Without going over the ground, I will give you the conclusions I have reached. When we meet I will state my reasons.

"In the first place, do not try to do too much. Do not take the place of leader of the Democratic party, and take no more part in the business of legislation than duty demands.

"Do not take charge of the city charter. Vote upon its provisions as you think right. So much for what you must not do.

"There is but one way for you to serve the public. You must reform the judiciary. There are a dozen men who can beat you or me in a legislative fight on an ordinary question in the Assembly. When you come to a great and grave question of judicial reform, they are lost. They will give up to you upon such points, for they know but little and care less about them. The ring is now dead. Its friends are squirming yet, but they are mortally hurt. They can be left to die in due time. You have in New York worse men than Tweed. Men like Tweed, Fisk, and others, who have brought disgrace upon our country, could have done nothing without the help of the courts. To clean out the foul judiciary of your city is the only great work you can do this winter, and this you can do in a great way. It will excite the interest and attention not only of this State and nation, but of Europe as well. You will have the whole legal profession to uphold you in this work.

"The whole business interests of the country are deeply concerned in a purification of the judiciary of New York. It is a grand question, and it will lift you above the

squabbles and intrigues of the Legislature. No one will dare to oppose you. Get a good committee of investigation. If you find guilt, bring in articles of impeachment. Make this subject your specialty, and give as little attention to other matters as duty will permit. If you get the new charter in your hands, or if you get involved in the general legislation, you will fail. I shall be glad to meet you before the session begins.

"Truly yours, etc.,

"HORATIO SEYMOUR.

"HON. S. J. TILDEN."

While Mr. Tilden was a member of the Legislature in 1872, a bill was introduced upon the recommendation of what was then known as the "Committee of Seventy," for the ostensible purpose of reforming the city government, and at the same time putting an end to the "Tweed charter," under which so much mischief had been wrought. Mr. Tilden approved of the main objects which the authors of the bill sought to accomplish, but he could not approve of it in terms, for reasons set forth in a short speech he delivered on a motion to recommend the bill to the Committee on Cities. What he said on the subject of separating municipal from State and national elections, upon home rule for New York, and upon minority representation, still possess undiminished interest and importance.

¹ "A preliminary question was raised this morning by the gentleman who made this motion as to the validity of the one hundred and third section, which cuts off the terms of the existing officials. I deem it due to myself and to this House to declare my opinion upon this question. I have this afternoon carefully read the case in the Court of Appeals, which has been referred to. In that case the officer whose term was extended by an act of the Legislature was one whose office was made elective by the constitution of 1846. The decision was that the term of such an office could not be extended by the Legislature, but did not say that the term of such an office could not in a fit

¹ Speech delivered in the Assembly of New York, Feb. 28, 1872.

case be shortened. That question was not involved in the particular case before us. The officers of a city government come within another provision of the constitution, which enables the legislative power to act upon them on a different principle. They are to be elected by the people, or to be appointed by local authorities, as the Legislature may prescribe.

"Now, I will venture to say there has never been a case where a new government has been instituted in any of the cities of this State. There has scarcely ever been a case where, in order to put the new government into full and complete organization, it was not necessary to abridge the existing terms of the officers performing the functions of the prior government; I presume in every charter of the city of New York, that has been done. I have not the slightest doubt as a lawyer that it is competent for this legislative body to shorten these terms for that purpose. I have not the slightest question that this one hundred and third section of the act before us is valid, and will be effectual if this act becomes a law. I could cite in support of that opinion the written conclusion of a lawyer, perhaps the first in the jurisprudence of his country, a man of great learning, a man of noble sense of constitutional honor, and whose opinion is always the result of deliberate, sincere conviction. I mean Charles O'Connor. I happened to know that not very long ago, when a question of this kind arose prior to this present controversy, he gave a written opinion to that effect.

"Let me say, in regard to the authors of this bill, that I entertain no doubt of the entire good faith and patriotism with which they have labored to prepare this charter, and regret only, as they did me the honor on some occasions to consult me, that I was not so situated as to be able, during the month of December, to give more time to the preparation of a charter, though I do not know whether it would have made any difference in the result which they reached. I was compelled to make one selection as to which branch of the people's service I could devote my time. I submitted the question to the men most eminent and effective in the cause of reform, and they commanded me during the whole of that month for a different service; thence I am here to-day less able, perhaps, than I ought to be to discuss these questions. It is due to myself to say that it is

not because I have selfishly secluded myself in any personal or private business. In the last five months I have not given five days to any professional or private business whatsoever. That time has been devoted to the service of that great community in which I always lived. I gave it freely. I gave it ungrudgingly. I wish only that I could have multiplied myself by four, in order to perform the duties that pressed upon me.

"In many of the features of this charter I cordially and completely concur. I concur particularly in the plan of making the municipal election a spring election.

"It was always so until 1849. But some rash empiric in that day thought it would be advisable to combine the April election with the November election, and so began that career of descent which we have unhappily trodden from that time to this. It may seem to you, Mr. Speaker, that I attach more importance to this point than is justly due. But, sir, why should the government of a great metropolis be controlled by questions of National or State parties as it always will be if the municipal election is held in November, when the tide of public feeling is so strong that it is impossible that the people should much consider what is right or what is wise in respect to the municipal election. The old system which prevails in the towns and counties of the State, by which the local elections are placed as far as possible from the general elections, — that plan is the wisest one, and I am glad to return to it. I advocated it two years ago, and may perhaps flatter myself that the impression which I made had something to do with this provision in the proposed charter. I know that it is said that it doubles the expenses of an election, but how small a matter is that compared with the good government of a city.

"I know that some of our friends have sometimes thought that the majority for State and National officers was increased by having the impulsion coming from a contest in the city government at the same time; but I think that in a large and general sense it will always turn out that what is best for the whole people will be best for any party which happens to be in the majority. I ventured to say several years ago that while we might perhaps get the majority for this year, by and by a time might come when some evil or wrong in the municipal affairs would create a commotion in State and Nation. Sir, the interest of the

parties is the interest of the entire people. I believe with a spring election you would have the best advance towards a system of minority representation that can be well devised. There would be apt to be differences of opinion among the members of the party largely in the majority, and there will be a chance for the minority to assert itself. It is not good for any party to hold irresponsible power. Jefferson, the father of Democracy, said that Democracy was founded not in confidence, but in jealousy and distrust. No man, no set of men, no party ought to be trusted with irresponsible power, for it is one of the calamities of our time that the Republican party in the interior and the Democratic party on the seaboard are too strong respectively. If you could distribute the majority so as to make a sharp and active competition in all localities, it would be a great deal better. The slightest undulations of public opinion would have been felt in the elections if the majorities were moderate in every locality. It is for these reasons, sir, that I entirely approve of this provision in regard to a spring election. On the occasion when I was consulted in regard to this charter I objected to giving the legislative power to a single body. Wherever parliamentary government had been known among our race, we have needed and adopted the checking, restraining, revising power of a second chamber. In all the thirty-seven States of this Union, as well as in the federal government, that principle is adhered to. I do not think there is a publicist of any authority who entertains any doubt on this point. I know it is said that the existence of two bodies in New York has been the cause of a great deal of wrong. Sir, the regulations in regard to bills passing through the Committee of the Whole were devised to prevent hasty legislation. Do they always accomplish that purpose? We know they do not. Shall we now strike off these restraints, or shall we strengthen them? I know it is said further that the city of New York is simply a municipality, and that there are a great many cities that do not have two chambers. Sir, New York city is no longer a village. The executive officer of New York city is the governor of a million of people, and experience has shown that the interests of that large community are so various and conflicting that it needs all the check and balance of parliamentary government. There is not a government under

the sun where every security is more requisite than New York city. I, therefore, advise my friends of the Committee of Seventy that they ought not to attempt any innovation here. In the first place, I told them that it presented a grave constitutional objection. The first form in which anything of this sort was presented to the public was the system which was called limited voting, — voting for one man and having two elected. I ventured on the earliest occasion when that scheme was presented to foretell a disaster. I thought I had observed enough of the practical workings of politics to see that that was tantamount to putting all the power in the hands of the caucuses. What is the use of scratching when the men on both sides are elected anyhow? It is now generally agreed that that system is a total failure. After having devoted a great deal of time during my life to the reading of subjects of this character, and to thought upon them, — it having been rather a favorite mode of occupying my leisure, — I find myself unable to foresee exactly what is going to happen from this system. In the convention of 1867 it was proposed that to a very limited extent we should adopt it in the election of the judges of the Court of Appeals. I thought it might do for one occasion, when men were not tempted and had not learned the methods on which abuses could be successfully practised under it. We carried it out in the election of the judges without any great inconvenience. I took the greatest pains to induce the leading Democratic lawyers to attend the convention to make the best nominations. I appealed by two thousand circulars to all the lawyers of the country. They responded, and the result was favorable; but even then we had some very eccentric results. There was something of a scramble, of course, as to who should run highest on each ticket."

As a citizen and a lawyer, trained to better standards, Mr. Tilden had seen the descent of the bench and bar with deep regret; he had often felt that those at the bar who, like himself, had ceased to be dependent for a livelihood upon professional earnings, ought to feel themselves under a providential call to open to the younger members of the profession a better future than that which seemed to be

closing in upon him; a future in which personal and professional honor would not be incompatible with pecuniary success.

It came to his knowledge during the session that a large fund was raising for the corruption of the committee charged with the impeachment of the accused judges. If spent, it proved unsuccessful. The impeachment was carried; but even then an effort, which came near being successful, was made to defeat the ends of justice in the choice of managers. Here again the fortune of the day was saved by a proposition of Mr. Tilden, which was adopted, by which the selection of counsel for the prosecution was to be satisfactory to the Bar Association. The prosecution of these impeachments, the conduct of the suits which had been commenced on behalf of the city, the gathering of the fruits of the various investigations he had made or instituted, occupied him most of the ensuing summer. The results were the arrest, imprisonment, or flight of all the parties who, only a few years before, seemed to hold the wealth and power of the Empire State in the hollow of their hands.

The bar of New York, encouraged by Tilden's example, energy, and courage, coöperated with him in his efforts in a way as creditable to its members as to him, and to an extent of which its history furnished no precedent. It is only a grave necessity and a stern sense of duty that can justify a lawyer in jeopardizing the interests of his clients by administering to any judicial officer of a court in which he practises, a public censure; and it is a flattering evidence of the confidence of his brethren, not only in the motives of Mr. Tilden, but in his extraordinary resources for accomplishing the task he had undertaken, and in his ability to develop a rebellion into a revolution, that through the whole of this angry and desperate controversy they stood by and sustained him whenever and to whatever extent their aid was invoked. That he enjoyed

and appreciated this support, he neglected no suitable opportunity of confessing. When the struggle was nearing its triumphant close in the spring of 1872, he was invited to preside at an adjourned meeting of the Bar Association of New York city.

His remarks on taking the chair belong to the history of this the first, if not the only, successful attempt to impeach any member of the New York judiciary.

"GENTLEMEN: I congratulate you on the substantial progress which has been made in purifying the judiciary. Everything which at the beginning of the late legislative session you set before yourselves as practicable, everything which you were afterward encouraged to undertake, has been accomplished. You asked for an inquiry into abuses in the administration of justice. You have had an investigation, patient and thorough, during seven weeks, in sessions continued from ten in the morning until late at night, carried on in the presence of the accused and their counsel. It is true the inquiry could only touch a small part of the evils, the specific cases presented by you. But every judge against whom you made charges has been put on his trial, except one who fled from the ordeal.

"I repeat to you to-night what I said at the meeting at which this association was organized. It was on Feb. 1, 1870, when the shameful perversions of judicial process and judicial power that characterized 1869 were fresh in the public mind, and the corrupt oligarchy whose tools these judges were seemed to sit enthroned over the prostrate people of our metropolis:

"'If it will do its duty to itself, the bar can do everything else. It can have reformed constitutions, it can have a reformed judiciary, it can have the administration of justice made pure and honorable.'

"One word as to the pending impeachment of Judge Barnard. I do not share the fears which have been expressed in the public journals as to the result. *First*: I know that in the investigation which extended to all the witnesses the accused desired to produce, and with full cross-examinations, there was developed more impeachable matter, ten times over, than can be found in the eight

principal cases of judicial impeachment, four resulting in convictions, which have occurred in this country. *Secondly*: I believe that the leading members of the committee of managers will faithfully prosecute the trial. *Thirdly*: I have the most absolute confidence in the abilities, professional skill, and earnest patriotism of the counsel who will represent the people, and on whom the real burden of the trial will fall.

"I respect the sentiments of my brethren of the bar which demanded that I should continue still further my connection with the movement to purify the judiciary. I mean, of course, as one of the managers of the impeachment, for you all know that I would not have acted as counsel. While I did not feel at liberty, by my own act, to withhold any service which you thought I could render to the great reform, my opinion differs somewhat from the public impression. The great work of investigation, of collecting evidence, and of securing sufficient concurrence and coöperation to put the accused on trial, which has been an immense and difficult labor, is done. The gentlemen whom I met in conference after everything had been completed except to decide on the form of procedure, when I consented to impeachment instead of removal by concurrent resolution, — and I see several of those gentlemen present, — will remember that I then stated my difficulty in engaging in a prolonged trial during the summer.

"When the choice of the managers came to be made I did not feel called on to enter into a canvass or to form combinations. In everything else I had felt it my duty to exercise all foresight, and every care, and devote whatever power I possess to organize such elements as could be found for good ends. In this I felt entitled to leave every human being in the assembly to his spontaneous action. If I should receive an honorable discharge I had a right to accept it. I cannot be accused of selfishness if I did so with delight. One care only remained for me; that was, to look after the choice of counsel. I communicated what seemed to be, in the actual circumstances, the best suggestions to Mr. Alvord, and met his prompt and cordial concurrence.

"Of Mr. Van Cott, the senior member of the committee which represented you in the investigations, I need not speak. The eminent jurist with whom he will be

associated, Judge Comstock, will bring to his duty great abilities, ample stores of learning, and an honorable pride in restoring the renown of the bench and the bar of this State. I remember with what solemn earnestness he said to me several years ago, that we could never reform the judiciary of this district until we had first crushed the corrupt power which stood behind it. I do not see that justice will be more likely to fail, that the trial is to be conducted in the light of open day, with the eager scrutiny of the bar of the State and country, and under the eyes of a watchful, apprehensive, and somewhat distrusting people.

"While what has been done toward purifying the judiciary is just cause of congratulation, you will appreciate the difficulties through which it has been obtained, if you reflect that everything else in the way of reform has failed. It is known to you that when I consented to go to the Assembly it was with a view to the judicial reform and to certain other measures more particularly interesting the people of this city; and that in that work I expected the coöperation in the Legislature of Mr. O'Connor and Mr. Evarts. This arrangement was defeated by subsequent events. I believed that it was necessary to concentrate myself upon a very few measures in order to accomplish anything.

"The general demoralization growing out of the Civil war and paper money had produced wide-spread effects. The corrupt power which had just been overthrown in this city had its origin in a partnership of plunder between men nominally of different politics, but, in fact, of no politics at all; and had established extensive affiliations throughout the State in both parties and in both branches of the dominant party, which now possessed three-quarters of the Legislature. It had been necessary to the system, that the capitol should be surrounded by an atmosphere of corruption. The ambition of some had been tempted; the interests of more had been addressed by making legislative business profitable, and the golden showers had sprinkled benefits in every direction. Some, even, who would not take an actual part in the saturnalia, were content to be silent spectators or consenting witnesses. I never for a moment supposed that the knife and the cautery would be agreeable remedies, or that the silent partners of prosperous criminals would fall in love with those whose duty it is to

detect and to punish. I know, therefore, that obstructions, under every pretext, were to be met at every step, and to be overcome. Let us thankfully accept what has been accomplished, and let us here, to-night, renew our faith that if the bar of this city and State will be united and persistent, every judicial reform in respect to men and in respect to systems will be at last successfully achieved."

Mr. Tilden concluded with a stirring allusion to the young men at the bar, for whose sake especially he said he had been willing to undertake the arduous labors through which he had just passed, in order that they who came after him might find in their profession a career and renown worthy of their talents.

For sixteen months Mr. Tilden had been withdrawn entirely from his private business, and had consecrated all his energies and talents, and not a little money, to the public service.

"The total surrender of my professional business during that period," he has said in one of his published communications, "the nearly absolute withdrawal of attention from my private affairs and from all enterprises in which I am interested, have cost me a loss of actual income, which, with expenditures and contributions the contest has required, would be a respectable endowment of a public charity.

"I do not speak of these things," he adds, "to regret them. [In my opinion, no instrumentality in human society is so potential in its influence on the well-being of mankind as the governmental machinery which administers justice and makes and executes laws.] No benefaction of private benevolence could be so fruitful in benefits as the rescue of this machinery from the perversion which had made it a means of conspiracy, fraud, and crime against the rights and the most sacred interests of a great community."¹

¹ The following letter from Charles O'Connor appeared in the "Louisville (Ky.) Jeffersonian Democrat" of the 4th of April, 1874. It deserves a

When Mr. Tilden thus wrote he had not then experienced, nor probably foreseen, the legal consummation of his labors in the condemnation of Tweed and several of his confederates to the striped jacket and cell of a felon, nor the recovery of verdicts which were destined to restore to the city many millions of his ill-gotten plunder; still less the flattering consummation of his labors in the political triumph of his friends, and his own elevation to the governorship of the State in 1874, nor his selection two years

place here as the highest of testimony to the interesting fact that the two foremost harristers engaged in the overthrow of the canal ring, whose professional services in those days commanded a higher price than those of any other two of their calling in the United States, received no compensation for their services in behalf of the city, beyond the satisfaction of having been useful to it, and also as showing that the widely accredited rhetorical allegation that "the age of chivalry is past" was at least premature.

"*Mr. Munnell:*

"DEAR SIR: I am sorry that you published this:

"The attorneys who prosecuted the ring thieves in New York have been heard from. Tremaine and Peckham charged the city \$75,000 fees. O'Connor gave his services gratuitously. The latter is a Democrat."

"Tremaine was a Democrat until the war fever took hold of him. It destroyed the health of many others. Tilden was a war Democrat, and yet believes he was right. Tilden did more than any one else in this matter. Neither he nor I charge, to be sure. But this is only because we had both retired from practice, and it would have injured the cause if we had made any money by it. But we are both most anxious that no discrimination be made to the disadvantage of others on that account. It would be very unjust so to discriminate. No one who knew all the facts and was a fair-minded thinker would do it. Peckham is the very stanchest kind of a thorough-going Democrat. His father was before him—the gentleman recently lost in the 'Ville du Havre.' Peckham has done ten times as much work as any one else; he has been on hand, at all hours, toiling like a slave. He is a young man, being about half my age; and, in his position, I certainly would have charged and taken, if I could, more than has been awarded to him. The fee you name is the whole legislative appropriation. Some of it remains, and what is spent has not all gone to counsel. Other very large expenses were incurred. I know that they were all quite necessary, being bound to examine all claims and required to concur in all allowances.

"Yours truly,

"CHARLES O'CONOR.

"NEW YORK, March 30, 1874."

later as their favorite candidate for the chief magistracy of the Union.¹

During a visit to Mr. O'Connor at Nantucket the summer before his death, and in the midst of an interesting conversation with him one day about his part in the forensic struggle with Tweed and his confederates, he suddenly rose, went to an alcove of his library where all the important printed cases in which he had been professionally engaged were arranged, took down volume 55, and said if I would read the manuscript note which he had appended to the case of *Clark vs. the Mayor of New York*, on page 915, I would learn when, where, and how the New York ring had its origin.

Mr. O'Connor bequeathed these volumes, entitled "My

¹ The following letter addressed to Mr. Tilden by William Allen Butler, Esq., the President of the Bar Association of New York, and a Republican, gives an individual estimate of Mr. Tilden's services in battling with the Tweed conspiracy, which reflected very fairly the feelings, not only of the bar, but of the general public:

WILLIAM ALLEN BUTLER TO SAMUEL J. TILDEN.

"ROUND OAK, YONKERS,

"NOV. 27, 1873.

"MY DEAR MR. TILDEN:

"I seize a moment afforded by the leisure of Thanksgiving day to say to you how often the thought has been in my mind, and how much satisfaction I take in giving it expression, that to you more directly than to any one else are we all indebted for the signal triumph of justice which has just been achieved. Naturally the most prominent feature in the eye of the public at this moment when the law is being enforced by its penalties, is that of the judge who administers it; but in the very act of the sentence of Tweed he properly calls the attention of all to the fact that this most righteous consummation crowned your work.

"Old friendships are often interrupted by circumstances and the diverging lines of duty, but they are not destroyed, and it may not be unacceptable to you to know that your part in all this struggle and success is appreciated and borne in grateful remembrance by those who best know the qualities of head and heart which have enabled you to render the State such signal service.

"Very truly yours,

"WILLIAM ALLEN BUTLER.

"SAMUEL J. TILDEN, ESQ."

own Cases," to the New York Law Institute. A copy of this note, which it would be well for every taxpayer and voter in the city of New York to make himself familiar with, and which has never before been printed, will be found in Appendix A. It shows the circumstances under which the seal of the New York city's government was practically translated to the State capitol, and explains the origin and cause of much of what is most to be regretted since in the government of that municipality,—evils which were admirably summed up in the following remarks of Mr. Tilden before a committee of the Senate on the 4th of April, 1870, when a revised charter for New York was under consideration. After referring briefly to the history of the system of governing New York from Albany by commissions, he proceeds :

"Without referring further to that subject than I now do, I shall allude to what was the real, strong, governing objection to the system of commissions. It was that the ordinary powers of government were seized hold of by the party then dominant in Albany in the State government, and that New York, in its local affairs, was governed by the State, and not by its own people. No doubt there had been evils and abuses that led to that state of things.

"It is almost always the case that when usurpations of power or perversions of power arise, that some public evil is pleaded as the ground and excuse. Now, sir, what I want is self-government for the people of the city of New York to the largest practicable extent, and the criticism which, it strikes me, this bill is in some degree subject to is this, that by the *first* appointment of these various officers, *self-government* in the people of the city of New York is in *abeyance for from four to eight years*. Sir, by that bill the appointment of all these officers is to be made by a gentleman *now in office*. It is precisely as if in the bill it had read : Not that the mayor shall make these appointments, but the *individual* who *to-day* fills that office. On the 31st December, by the provisions of this bill, the term of office will expire. Then, sir, what will be the situation

of his successor? For two years he will have no power whatever over the administration of the government of which he is the nominal head. All these functionaries survive him. Their terms go beyond his term, and he has not the power to remove them, nor the power to enforce any practical responsibility as against them. He is a mere cipher. Then, sir, at the end of two years another election takes place, another mayor is elected. Still these officers extend their terms clear beyond his, the shortest of them being for four years, and the longest of them for eight years, many of them for five. Sir, I say in all kindness and deference, *this is not self-government for the next five years*: it is a government in which the *people will have no voice — none whatever*—for that long period. The act proceeds in the same way in which the acts creating commissions have done. A gentleman is designated who makes these appointments. To all practical intents and purposes *they are commissions* just as under the old system. Now, sir, I think this ought to be remedied. I think it can be remedied. Take, for instance, the Department of Public Works. Under the Republican system of commissions, the Street Department and the Croton Board have been reserved to the control of the city authorities. They stand as under the old system anterior to the time when these commissions began to be formed. The mayor has the power to remove them with the consent of the board of aldermen. Under this bill that power is obliterated. At present the aldermen, by a two-thirds vote, have the power to remove. Under this act that power is obliterated. They cannot be originally appointed without confirmation. Under this bill that power is obliterated. Now, sir, *this is not self-government*. What do you have? You have an executive *denuded of executive power*. The mayor has no power over these functionaries, except to impeach them, and all experience has shown that that is a dilatory and insufficient resource, not to be relied on in the ordinary administration of the government. I think that the bill will be more conformable to sound maxims of government if corrected in this respect. This charter is defective in another respect, in that it makes the election of charter officers coincident with that of the State and Federal officers. The municipal election of a million of people is of sufficient importance to be dealt with by itself, and by so doing you avoid mixing of municipal

interests with State and National interests. What I object to in this bill is that you have a mayor without *any executive power*; you have a *Legislature* WITHOUT LEGISLATIVE POWER; you have *elections* without ANY *power in the people* TO AFFECT *the government for the period during which these officers are appointed*. It is not a *popular* government, it is not a *responsible* government: it is a government *beyond the control and independent of the will of the people*. That the mayor should have real and substantial power is the theory we have been discussing for the last four or five years. It is the theory upon which we have carried on our controversies against our adversaries, and are now here. After a period of twenty years, for the first time the party to which I belong possesses all the powers of the government. I have a strong and anxious desire that it should make for the city of New York a government popular in its form. Mr. Chairman, I am not afraid of the stormy sea of popular liberty. I still trust the people. We, no doubt, have fallen upon evil times. We, no doubt, have had many occasions for distrust and alarm; but I still believe that, in the activity generated by the effectual participation of the people in the administration of the government, you would have more purity and more safety than under the system to which we have been accustomed. It is in the stagnation of bureaus and commissions that evils and abuses are generated. The storms that disturb the atmosphere clear and purify it. It will be so in politics and municipal administration if we will only trust the people.”¹

In the State convention which met at Albany in March, 1868, to select delegates to the Democratic national convention which was to nominate candidates for the presidency, Tilden made a memorable speech specially devoted to a denunciation of the irritating policy pursued by the Republican administration at Washington, and the waste of life and property in the prosecution of the war. It abounds in valuable information and statesmanlike suggestion. The future historian will take note of it, but the philosopher will say that “omelettes are not made without breaking

¹ “Writings and Speeches,” Vol. I. p. 395.

eggs," nor wars without an apparent waste of life and property. The argument against the extension of the elective franchise to people of African descent has never been more forcibly or completely stated than in this speech.

The national Democratic convention of 1868 was held in New York city. Horatio Seymour was elected its president.

There were several candidates put in nomination, but on the twenty-second ballot the Ohio delegation, to forestall a movement in favor of Salmon P. Chase, who had been Mr. Lincoln's secretary of the treasury during the earlier stages of the war, whence he was transferred to the Supreme Court, cast their united vote for the chairman of the convention. Mr. Seymour had previously declined in the most positive manner to allow himself to be presented as a candidate for the nomination, but when the State of Wisconsin was reached, its delegation seconded Seymour's nomination, and thereupon the delegates from all the other States changed their votes to Seymour, and he was unanimously chosen as the Democratic candidate for President and Gen. Francis P. Blair for Vice-President.

Mr. Tilden was subsequently charged with the responsibility of bringing about the nomination of Mr. Seymour, not because of anything he said or did before or in the convention, but rather from a habit to which the world is prone of imputing everything unexpected that happens in politics to the mysterious influence of those they are accustomed to regard as the controlling spirits of the party in which it occurs. The imputation extorted from Mr. Tilden the following letter. General Grant was the Republican candidate.

PERSONAL.

"MY DEAR SIR:

"I had no agency in getting Governor Seymour into his present scrape, though I should have been glad of his nomination if his consent could have been freely given. I yielded to his wishes out of tender regard for him, and

I feel now that I am the last man who can with delicacy bring a pressure to bear upon him; but my judgment is, that acceptance under present circumstances would not compromise his repute for sincerity or be really misunderstood by the people; that the case is not analogous to the former instances which have made criticism possible; that the true nature of the sacrifice would be appreciated, while on the other hand the opposite course would be more likely to incite animadversion; that, on the whole, acceptance is the best thing.

"I think a decision is necessary; for it is not possible to go through the canvass with a candidate declining. I am sincerely willing to accept such action as will be most for the honor of our friend; at the same time my personal wish is acceptance. You may express for me so much on the subject as you find necessary and think proper.

"In haste, but truly yours,

"S. J. TILDEN."

The following letters written shortly before the first presidential election after the restoration of the peace show with what earnestness and zeal Mr. Tilden sought to heal the wounds which the war had made and which indiscreet and resentful legislation threatened to aggravate. Their tone found little sympathy at the time outside of the Democratic party, but the clouds of passion which obscured the wisdom of his counsels have gradually disappeared.

TILDEN TO THE TAMMANY SOCIETY.

"GENTLEMEN :

"Regretting that I cannot personally attend the celebration of the 4th of July by the Tammany society, to which you have invited me, I nevertheless concur most cordially in the patriotic sentiments so eloquently expressed in the address of the sachems.

"Your venerable society may well felicitate itself upon its political retrospect. It did everything in its power to avert civil strife by a policy which was reproached as too conciliatory by those who did not comprehend the danger.

When the conflict of arms came, it cordially maintained the nationality of our people in a confederated republic, which Jefferson and Madison and Jackson always held to be incapable of being dissolved except by a revolutionary destruction of the Constitution. And now that peace has once more happily returned, it claims that constitutional rights shall be restored throughout our whole country; that every State shall be placed in its constitutional orbit; that we shall once more present to the world a continental system of States bound together by a constitutional union, founded on the twin principles of local self-government and individual liberty and sustained by the voluntary action of a people among whom government is everywhere carried on by the consent of the governed.

"Alas, that this benign work of peace should be more difficult than the fierce struggle of war! But so it is.

"Multitudes of our fellow-citizens are so infatuated with fear of the danger of disunion which has now passed, that they create a danger of centralism fatal to all liberty, to all constitutional government, and at last, by inevitable reaction, to the Union itself.

"Instead of restoring the system of our fathers, the purpose to do which alone consecrated our cause against secession as righteous, they would erect upon this fair continent eleven Polands, eleven Hungaries, eleven Irelands.

"And the same principles of despotism which they would apply to our recent enemies they freely extend to the whole Northern people.

"I say, the principles of despotism. For *centralism* is DESPOTISM. Was centralism ever before so rife as now? The distinguishing characteristic of the controlling element of the so-called Republican party which now sways the two Houses of Congress is a total disregard of all limitations of power established by our written constitutions; an overwhelming contempt for all fundamental law, whether State or Federal. No right of localities or of individuals is deemed sacred. The principles which underlie our whole political system are not respected. They do not seem to be even comprehended.

"The present Congress and the advanced Republican party are a rule unto themselves; their own opinion of what it is convenient or expedient they should do is the only

limitation of power which they acknowledge ; and it is their opinion that they should do pretty much everything, in all places and with respect to everybody.

"Of course, such a false system of political philosophy does now, as it has in all ages, immediately degenerate into selfish rapacity. Congress is mainly occupied in putting new manacles on the trade and industry of the country ; and the most respectable representatives of the prevalent political ideas are voting money out of everybody's pockets into their own.

"In this condition of things nothing but the principles of the Democratic party as maintained by Jefferson and Jackson can save the country. There is no organized agency which can give effect to these principles except the Democratic party, with such alliances as it may form in the cause of liberal government.

"From the day of the accession of President Johnson I have felt renewed confidence that the American people would not only maintain our national unity, but would reconstruct our political institutions on their ancient foundations.

"The political ideas of Jefferson and Jackson, in which President Johnson was educated, and which have become incarnated in his very nature, the character of the work he was providentially called to undertake in bringing back into our system the people of eleven States lately in revolt, which he could only do by addressing the intellects and sentiments of that people, were guarantees that he would recur to the original fountains of our American principles of government.

"As for us, we could not but accept what we had sought when we endeavored to elect McClellan : first, the reëstablishment of national unity ; secondly, the starting the restored government in its new career upon its original and true principles.

"The situation controls. Not the plans or wishes of individuals. In my judgment neither President Johnson nor the Democratic party could stop what events so clearly commanded. Last year, at your fourth of July celebration, I promised him in your name, and in the name of the Democratic party, amid your acclamations, a liberal co-operation in the great work ; and I afterwards repeated that assurance in person.

"The time has now come when all parties who favor President Johnson's plan of pacification must act with reference to the election of the next Congress.

"President Johnson will now be under the necessity of appealing to the whole body of the people; accepting all who come to him on the issue he has made, and separating from all who go against him on that issue.

"If he should attempt the narrow and futile scheme urged upon him by those who are neither his friends nor the friends of his cause, — of carrying out his policy through the exclusive agency of the Republican party, in case he can capture it and convert it to his purposes, — he will find his machine turned against him in the hour of his need. He will find himself like the unfortunate object of Turkish jealousy, tied up in a bag, to be silently strangled. I do not doubt that he will act on the larger policy which would have governed Andrew Jackson or Henry Clay under like circumstances. He will cast himself upon the whole body of our people, leaving parties and organizations to take care of themselves. He will be triumphantly sustained.

"The Democratic party should pursue a liberal policy in all its actions, and accept as brethren all who stand with it on the present issue.

"It is too powerful to be jealous. It has too great a motive for the restoration of its own traditional principles of government to an ascendancy in the councils of the country, which they made great, prosperous, and happy, to think of anything less grand or less noble.

"With much respect,

"I remain, gentlemen, yours truly,

"S. J. TILDEN."

TILDEN TO ———.

"NEW YORK, July 17, 1868.

"MY DEAR SIR:

"Your letter of the 15th, inviting me to address a Democratic ratification meeting to be held in Washington to-morrow evening, is received. I regret that engagements which I am not able to defer render it impossible for me to be present on so interesting an occasion.

"The political contest now begun is, in my judgment, the most important ever waged upon this continent.

"The great theatre of that contest will be the populous and powerful Commonwealths which stretch from the Hudson to the Mississippi. The people of these Commonwealths by their votes next November will practically determine the fate of constitutional freedom in the New World. I believe that they will determine it in conformity with the traditions of our race and the principles of our institutions. I believe that the public opinion of these great States is ripe to demand a complete change in the policy of the federal government, as carried on for four years past by an intolerant congressional majority against the unavailing, but patriotic, resistance of President Johnson.

"I believe this, because I recognize two grand and predominant ideas moving the popular mind to demand such a change.

"These are, **JUSTICE TO THE PEOPLE**, and **ECONOMY IN THE GOVERNMENT**.

"**JUSTICE TO THE PEOPLE.** — This is threatened by a senatorial oligarchy, which, having already absorbed into itself the powers expressly delegated by the Constitution to the judicial and to the executive branches of the government, seeks now to perpetuate itself by a system under which Senators of straw nominated to order by three millions of newly enfranchised negroes shall exert twice as much political power as the representatives of thirteen millions and a half of our own race ruling the great belt of the Union between the Atlantic, the Mississippi, and the Lakes!

"**ECONOMY IN THE GOVERNMENT.** — This is impossible under a system which, with its cognate systems, annually consumes a sum nearly equivalent to all the net earnings of labor and all the net income of capital in our country; and which in a time of peace maintaining martial law over one-half the Republic devotes eleven millions of dollars a month to the support of a standing army, in addition to the pensions, to the cost of the navy, to the outlay on the public debt, and to the general expenses of a civil administration requiring an official force such as in former and happier times Americans were wont to regard as the exclusive curse and calamity of the military and despotic monarchies of Europe.

"The people of this country are too intelligent to expect

either justice to themselves or economy in the government from the chosen and willing military agent of congressional usurpation. The American army, whose history and whose achievements are the nation's pride and boast, has been endeared to the nation's heart, not as the sword of power, but as the shield of the people. The head of that army to-day has done injustice to its gallant past by accepting from a usurping Congress functions expressly conferred by the Constitution upon the highest civil magistracy of the nation.

"The American people, and the soldiers of America who are also the citizens of America, will have no such leader in the work of reconstituting civil liberty throughout this country.

"They demand a leader who shall represent their deliberate attachment to the principles of free government, their deliberate resolve to see those principles vindicated and maintained, their deliberate purpose to effect a thorough and sweeping change in the existing condition of public affairs. Such a leader we now set before them.

"The nominations which you are about to ratify represent the final, harmonious judgment of the first truly national convention held in this country for eight years past. They attest alike the voice of the great North, demanding justice, economy, and the Constitution; and the voice of the South, accepting fully and in good faith our indissoluble Union with all its obligations, hopes, and duties.

"The Democratic party, in whose name that convention assembled, invite all who "think with us the same things concerning our common country" to rally around our standards as equals, friends, and brothers.

"In this great contest we shall wage no war of defence. We carry our arms into Africa.

"And, speaking from an experience of more than thirty years in political observation and political action, I do not hesitate to say that in no presidential conflict since the days of Andrew Jackson have omens of victory to any party or any cause been so clear, so numerous, and so inspiring as those which now cheer the party of the national Democracy to battle in the cause of American liberty.

"With much respect, truly yours,

"S. J. TILDEN."

CHAPTER IX

Greeley's nomination for President—Charles O'Connor refuses to be reconciled to it—Horatio Seymour on Tilden's candidacy for governor—Chief-Justice Church—John Kelly—Seymour's plan of battle against Governor Dix—Expenses of the governor's office—Tilden elected governor—His interpretation of the event.

GENERAL GRANT's administration of the presidency had proved a disappointment, and but for the eccentric, not to say fantastic, nomination of Horace Greeley by the Democratic convention of 1872, his reelection might have been successfully contested. Mr. Charles O'Connor refused to support Greeley. Mr. Tilden appears to have sought to reconcile him to the nomination, for among his papers I find the following letter on that subject from O'Connor:

"FORT WASHINGTON, Aug. 24, 1872.

"MY DEAR SIR:

"I have read with interest the letters from your distinguished correspondents, and herewith return them.

"You were long since placed in full possession of my views concerning the Baltimore nomination.¹ How much or how little I may do against it will depend upon circumstances. I have given what encouragement was in my power to the projected counter-movement.

"The tender-hearted Moloch, whose life-long mission of hate has filled the land with fratricidal slaughter of the white race, may now find congenial employment in striving to extirpate the negro. His active benevolence has never been satisfied to employ itself in the tame duty of mitigating woes that are: itself must create new misery of a startling character, so that when the cup of agony is filled there may remain as an object the glory of removing it by some

¹ Of Horace Greeley for President.

violent and equally impressive remedy. These methods furnish enjoyment for his chief, perhaps his only, passion, — the love of *éclat*.

"Leaving out of view this personal aspect of the thing, I cannot concur in the nomination or yield to its pretended authority.

"On the point which between us is a new one, there need be no doubt.¹ To hold an office charged with the dispensation of extensive patronage, 'not the world's mass of vanity would tempt me.' Of course I will not be a candidate.

"Yours truly,

"CH. O'CONOR."

"MR. TILDEN."

The administration of General Dix as governor of New York was equally a disappointment. Both the Governor and the President seemed to be the passive instruments or victims of a class of parasitical politicians in whose eyes the chief, if not the only, use of a government was to enrich those who conducted it.

The extent to which the confidence of the people was abused by their political agents during Grant's administration, both at Washington and Albany, was as yet only partially disclosed. The exposure, however, of what had attained the proportions of a conspiracy in New York swelled the silent currents of suspicion until they overflowed the boundaries of party.

Thoughtful men of all parties began to realize the necessity of placing the powers of government into different hands. The trial of Tweed and his confederates made notorious what before had been suspected by but a few: that they had derived most of their capacities for mischief from Albany, and that so far as New York was concerned, any substantial and durable reform must begin at the State capital.

¹ He had been nominated for President by some of his admirers in the Mississippi valley.

Mr. Tilden spent the summer of 1873 in Europe, and on his return found that many of the more considerate men of all parties in New York were talking of him as the proper man to succeed Governor Dix. Mr. Tilden was slow to entertain these suggestions, for if he had any taste for official life he had never yet betrayed it. Mr. Van Buren was heard to say of him once, that he was the most unambitious man he had ever known. From fifteen to twenty years of severe professional toil had yielded him an ample fortune; he had won fame as a lawyer, as a statesman, as a patriot. His advice was valued in all matters of public concern and by all parties; he enjoyed to an uncommon degree the respect of the community in which he lived, and it was difficult for him to conceive of any change in his position that could improve it.

To enter the arena of active politics was, for a time at least, to change all this. It was to become the target of a hostile partisan press, the envy of competitors, and the slave of an exacting public. It was to concentrate upon himself the hostility of the large and powerful interests against which his election in the interest of reform would be necessarily a declaration of war. It was, in other words, to accept a life of war instead of a life of peace, at an age when the honors of war give but little pleasure, and the privileges of peace and repose begin to be perhaps unduly valued.

Nor were those whom he felt entitled to call his friends entirely unanimous in recommending him to expose himself to the risks of a defeat in the nominating convention. Horatio Seymour, who had twice been governor, once an unsuccessful candidate for the presidency, and who was suspected of a willingness to take the chances of a second nomination, wrote him, only a few days before the convention, that his chances of securing the nomination were not good, while, if nominated, the most he could hope for was the martyr's crown; or, as Swift expressed himself in a letter

to the Archbishop of Dublin, "to be rewarded with a good conscience and detraction."

HORATIO SEYMOUR TO S. J. TILDEN.

"UTICA, Aug. 27, 1874.

"MY DEAR SIR:

"I have studied the look of political affairs in the State since you were here. From what I can learn I am clear in my mind there has been a widespread plan to carry the convention against you. It was started last winter, and it shaped laws and appointments. The State officers are against you. To get control of this county every official was given to understand that he was to act against your friends here. More than that, men who vote the Republican ticket half the time, and who were active in trying to keep Mr. Kernan out of the Rochester convention in 1871, are kept in place. The worst thing done was the passage of a law putting the police and fire departments of Utica under the control of a commission made up of a mixture of Republicans and Anti-Kernan Democrats. The passage of the bill was aided by the votes of some Democratic Senators and the absence of others. This arrays these departments against us. You will find the same combination at Syracuse that controlled at Rochester in 1871. It will embrace all the rings, and some powerful interests in addition. It controls the country press. The men who are engaged in this movement are not in all cases hostile to you, but they cannot afford to have you at Albany. The old Tammany ring was well organized throughout the State. Our active young men were drawn into it by the fact that they could name men for places in New York and Albany. Reformers are hated, and only bear sway when there is a tempest of popular rage against corruption. A new man will be brought out against you after a little time. I do not see any course for you but to go on and take a defeat. You have gained an honorable fame as one who has been sacrificed because you are honest, able, and fearless. The crown of martyrdom is a glorious one. Even those who hate you will be forced to praise you.

"My views may be colored by the prejudices of an old

man, and my want of courage may be caused less by the difficulties in the way than by the fact that I am worn out and inefficient. I feel it my duty to say what I think. The call for honest men is a new form of speech at this time. No *invasive* honesty will be upheld. Our people want men in office who will not steal, but who will not interfere with those who do.

"I will do what I can about delegates to the convention. I will try to do so in a way that will not harm you. Any marked interest in your behalf by me may injure you. I flatter myself I enjoy the ill-will of the ring almost as much as you do.

"I am truly yours, etc.,

"HORATIO SEYMOUR.

"HON. S. J. TILDEN."

Mr. Tilden did not permit himself to entertain the idea of becoming the candidate of his party for governor until he had satisfied himself that all who were supposed to have any reasonable aspirations for the honor had confessed their unwillingness to take the risk of running against Governor Dix, who had been chosen two years before by a plurality of 53,451, and to all outward appearances was entirely acceptable to his party. Nor would he then probably have accepted a nomination had he seen any other way of reviving the confidence of the people in their ability to reform and purify the government of which they were despairing. To take the field himself also seemed to be the best, if not the only way, of demonstrating that a fearless and persistent resistance to wrong will be sustained by the people, and that honesty, courage, and capacity are as well rewarded in public life as in any other profession or pursuit in life. He was unwilling to leave it in the power of the enemies of reform to say that he dared not submit his conduct as the prosecutor of Tweed and his confederates in the city and State to the judgment of the people; he was unwilling to give them the opportunity of using his refusal to run, as evidence that his course had

impaired his influence, and as a warning to the rising politicians of the country against following his example. He felt that whatever might be his success as a governor, the moral effect of his election would be advantageous, not only in his own State, but in other States where such an example was no less needed than in New York. These considerations, no doubt, had much, not to say a controlling, influence in determining Mr. Tilden to yield to the wishes of his friends and to resume the responsibilities of party leadership. No sooner had he reached this decision than he set to work in his usually thorough way, not only to be nominated, but elected. He put himself in relation with every township in the State, and inspired his desponding partisans with hope, to which for many years they had been strangers. The press soon began to reflect the new faith.

"Harper's Weekly" treated Tilden's nomination as involving a contest of principle, and, if confirmed by the people, as threatening the extinction of the Republican party. It said:

"It seems to be understood that Mr. Samuel J. Tilden will be nominated by the Democrats as governor of New York. In selecting him the party will do what it did in 1872 when it nominated Mr. Kernan, — designate one of its most reputable members as its candidate. With such men as Governor Dix and Mr. Tilden as representatives of the two parties, the election will be what it should be, — a contest of principles. Unlike Mr. Hoffman, who was the last successful candidate of his party in the State, Mr. Tilden was really the foe and not the tool of the Tweed ring.

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"It is fair to conclude, should Mr. Tilden be nominated upon one side and Governor Dix upon the other, that the election would indicate the preference of New York as to the two parties whom they represent."

The "New York Tribune" on the morning of the day the convention was to meet said:

"It is understood this morning that the furious assault of a faction of the New York Democrats upon Mr. Samuel J. Tilden has failed, and that Mr. Tilden will be nominated to-day by a very strong vote. No reason for the opposition to him has been publicly stated. None could be stated; for the personal qualities and past services of his which have aroused the hostility of the grasping and disreputable followers of the Democratic camp are precisely those which commend him to the respect of all honest citizens. The name of Mr. Tilden will add dignity and strength to the ticket, and if it is true that the convention has virtually agreed to adopt it, we may congratulate the party upon such an eminently sensible decision. The nomination for governor was dictated in advance by the well-nigh unanimous sentiment of the people."

The "New York Times," then the leading organ of the Republican administration at Washington, said:

". . . Let us then leave Mr. Tilton a little while and turn to a gentleman of another kind,—Mr. Tilden. The reason we wish to withdraw the attention of our readers to him, is that he is being 'mentioned' pretty generally as the Democratic candidate for governor this fall. Mr. Tilden has not, indeed, mentioned his own name, because he has been a long time in politics, and he is well aware that a man may speak too soon as well as too late. This we will say, *that Mr. Tilden would make a very good candidate, for he is a gentleman, an able man, and a man of very high character.*

"Mr. Tilden is not much liked by the less reputable portion of the Democratic party, and perhaps there are men even in Tammany Hall who do not exactly love him. . . . He is, at any rate, a Democrat of long standing in the party; *a man of unsullied honor, public and private; a good, public-spirited man, who would be no discredit, but much the reverse, to our State.* This we may say with perfect sincerity. Nevertheless, if Mr. Tilden were to ask us, as his old friends and advisers, whether he should stand for governor if he were invited to do so, we should feel it our duty to dissuade him from that course. We should like much to see him happy; but would it render

him so, to undergo a signal defeat? If the Republicans nominate General Dix, Mr. Tilden could not run successfully against him. Incidentally he would do his party a great deal of good, for he would improve its moral tone."

As the time for the meeting of the nominating convention approached, the prospects of electing a Democratic governor did not appear so hopeless, and those who had refused to allow their names to be used to conduct what they regarded as a forlorn hope began now to intrigue for the privilege of reaping where they had not sown. The State conventions of both the great parties in the State for many years had been controlled by canal contractors, to whom the selection of the Canal Commissioners, and State Engineer and his assistants, who passed upon their work, was of vital importance. To them the trend of public sentiment in the direction of a man with Tilden's record and independence was ominous. They tried to discourage him from allowing his name to go before the convention "when the political skies were so threatening;" at the same time, to stem the popular movement, exaggerating the unpopularity he had incurred by his war upon the predatory horde of the Tweed school in New York city. They suggested that it would be more prudent to take a candidate not identified with the ring prosecutions. They recommended Judge Sanford P. Church, then chief justice of the Court of Appeals, as the more available candidate, or his kinsman, Judge Allen.

Before Tilden had consented to run, Judge Church had refused to allow his name to go before the convention, and for the sole reason that he was unwilling to expose himself to what then promised certain defeat. Now that the prospects of success were looking brighter, he became anxious for the nomination, and his friends urged Tilden to withdraw. This Tilden refused to do, not only for the reasons which had induced him to become a candidate, — some of which have already been set forth, — but also because his

chief purpose in being governor was to crush the canal ring that had coöperated with the Tweed ring in all their iniquities; and he knew that the canal ring had no more servile instrument in the State than the candidate they were urging. Church was poor; he was ambitious, he was not content with his place on the bench, and was only too ready at all times to combine with any party on any terms to secure wealth and power. The more his name was urged, therefore, the more firm and determined was Mr. Tilden, than whom no one was more familiar with the judge's moral limitations, that, whether nominated himself or not, Church should not be. It was his ambition to do for the State what he had been and was still occupied in doing for its commercial metropolis, and he knew that it would be a hopeless enterprise with Church in the executive chair.¹

Horatio Seymour also had by this time discovered that the omens presaged the success of Mr. Tilden, and he began to be active in promoting it.

¹ The persistency of Judge Church and his friends provoked John Kelly, then the local leader of the New York city Democracy, to publish an interview in the "City Press" which gave the *coup de grace* to Church's aspirations.

" 'I have learned to-day that a conference has been held in Albany by gentlemen who have been opposed to Mr. Tilden from the first.'

" 'What men, Mr. Kelly?'

" 'Such men as De Wolf, of Oswego; Warren, of Erie; Senator Lord, of Monroe. These men have gotten Mr. Church to consent to be a candidate, if his nomination can be made by acclamation in the convention; and having arranged that matter with Judge Church, they sent telegraphic despatches to a number of gentlemen who are friendly to Mr. Tilden to persuade him to withdraw his name from the canvass, and asking them to meet in conference on the subject in Albany. They were not able, however, to get his consent, for the reason that it would have been very impolitic for Mr. Tilden to do so without consulting his friends. I saw him to-day, after his return from Albany, and he requested me to give him my views on the subject. I answered him by saying that I could not see how it was possible for him to withdraw when it appeared to be the settled conviction of observing minds that his chances of obtaining the nomination were better to-day than they were a fortnight ago. Besides, I could not see how Judge Church could permit his name to be used when he had been protesting for the last six months against the use of his name for the

HORATIO SEYMOUR TO TILDEN.

"UTICA, Sept. 21, 1874.

"MY DEAR SIR:

"The Granger movement is quite strong in this State. It is best to learn what you can about it. I have asked Mr. Glowacki, a son-in-law of Mr. Redfield, at Batavia, to write to you about it. There is some breach between him and Richmond which I do not understand. If he writes to you, do not fail to answer him. I have also written to Levi Brown, at Watertown, on this subject. There is a Mr. James who now lives somewhere in Orleans county, and who once lived in Wisconsin, who I think is a leader and

nomination; that it would only stultify him, and at the same time show great weakness in allowing himself to be importuned when he had so firmly and decidedly affirmed that he would not be a candidate. It certainly would lessen him in the estimation of the people of the State.'

" 'What interest have these men, Mr. Kelly, in Judge Church?'

" 'The same interest that they have in Judge Allen. These men are known to belong to what is called the canal ring. Now, I don't know enough of the bearings of these people politically except what I have heard from the politicians of our party in the State. If what is said about them be true, it has been their policy to get control of a majority of the canal board for the purpose of enabling them to get hold of the contracts given out on the canals. You will readily understand, then, that the governor's influence, though the most honest man in the world, were it known by the canal board that he was friendly to these contractors, would be all-powerful in their favor as against any other men who might apply for this kind of work. These have been always very friendly to Judge Church. They have added what power and strength they have had in this and other localities to the advancement of the interests of that gentleman. They have been of great assistance to him politically. The same interest, too, has sustained Judge Allen. I don't think it is generally known that Judges Church and Allen are cousins. When they could not be successful with Judge Allen they found it necessary to fall back upon the *dernier ressort*. But they will also fail for the reason before stated. Tilden will get at least two-thirds of the delegates of the convention.'

" 'Was there any affiliation between the old Tammany ring and what is now known as the canal ring?'

" 'Yes, there was friendship existing between those people. I am informed that Governor Hoffman usually made his appointments to office on the recommendation of the defunct Tammany ring, at the solicitation of what is known as the canal ring.'

organizer in the Grauger movement. He was at Syracuse. It will be best to learn if he can and will be useful. I do not know of any one in that county I can write to. No time should be lost in getting the Grangers into the right line of thought.

"There is some soreness among the Irish about Kernan's defeat. At an early day Kernan should make a speech in which he should state that you went for his nomination and that he went for yours. He will be ready at any time to do this.

"Dix is a mercenary man, and this should be shown. When he has gained influence from political positions he has rented it out to companies of doubtful characters for large pay. Get a list of the public offices he has held, and also of the corporations he held places in.

"At the office of the 'Day Book' you will get the proceedings of a meeting held after Lincoln's election, at which Mr. Dix presided, and at which Dickinson opposed the war, and said it was as absurd to try to save the Union by war as it would be for a man to whip his wife in order to make peace in his family. A few weeks after this, Dix was made a general, with good pay, and then he went in for a fight. An address must be put out by the State committee as soon as Dix is put into the field, which will set out his course. It must be temperate in language, but strong in facts.

"Truly yours,

"HORATIO SEYMOUR.

"HON. S. J. TILDEN.

"I ask Mr. Hewitt to give you this. How shall I address letters to you?"

The party took substantially the same view as Mr. Tilden of these attempts to flank the reform movement, and he was nominated at Syracuse on the 17th day of September, 1874, without serious opposition and with unequivocal enthusiasm, on the first ballot. Mr. Tilden, who was at Syracuse during the session of the convention, was serenaded in the evening, when he addressed the assembled multitude in a speech which may, fairly enough, be regarded as a *ménu*

of the entertainment to which his constituents would be invited if they were to elect him as their governor.¹

The reception given his nomination by the press of the country presaged the triumph which awaited the ticket at the polls. Even the Republican journals were practically unanimous in commending it. A few extracts from the more prominent of them deserve to be cited here as a fitting perspective to the pictures we shall find them painting when Mr. Tilden loomed above the political horizon a few years later as a candidate for the presidency.

The "New York Tribune" (Republican) said of it:

"Mr. Tilden's personal character is so far above reproach that it will reflect honor upon his associates, and lend a flavor of respectability to his constituency. His ability has made him the recognized leader of his party in this State, and if he should be elected, his career in office would be distinguished alike by integrity, decorum, administrative skill, and shrewd political management. It is chiefly, however, because his nomination in a certain degree commits the Democratic party to reform, that respectable citizens will hail it with satisfaction. To Mr. Tilden more than any other man, except Mr. Charles O'Connor, the city of New York is indebted for the final discomfiture of the old ring which so long ruled and disgraced both the city and the Democratic party. When the exposures of the Tammany frauds were first made, the position of Mr. Tilden, as chairman of the State committee, was one of peculiar embarrassment. It was by no means clear at that time how the fight would end, and Mr. Tilden in lending such vigorous aid to the reformers risked both disaster to his party and his own political ruin."

A few days later it held the following language, warm with the spirit of prophecy:

"It is very much to the credit of the administration journals of the State that, so far as they discussed beforehand the claims and qualifications of the several candidates for

¹ "Writings and Speeches," Vol. II. p. 10.

the Democratic nomination for governor, they frankly recognized the fact that the logic of the Democratic professions of reform pointed unmistakably to the gentleman who was nominated at Syracuse on Thursday. Indeed, they almost may be said to have advised and urged his nomination. In doing this we give them credit for rising above the narrowness of partisanship, and for taking into view the great public benefit to be derived from having for the candidates of both parties men of distinguished ability and unimpeachable integrity, instead of following the instincts of a petty and unpatriotic selfishness by endeavoring to induce their opponents to weaken and stultify themselves. Mr. Tilden, at no small risk of personal popularity and political influence, and with no conceivable motive but a desire for the public good, had fairly revolutionized his own party. In arresting the corrupt and profligate career of the ring that ruled it, he has contributed to its temporary defeat. But the movement he led was a success, and the party was shrewd enough to discern in the signs of the times the wisdom of assuming the responsibility and claiming the credit for the reform. They have done this persistently.

"As for Mr. Tilden himself, it can be of comparatively little consequence to him personally now whether he is or is not elected. He has accomplished a great work in his party, has led a great reform, overthrown a powerful organization of municipal thieves, and compelled a recognition of his services more emphatic and pronounced in the mere form of the nomination than an election could be under any other circumstances."

The day before the nomination was made "The New York Times" (Republican) said:

"Mr. Tilden has been opposed solely on the ground that he assisted to fasten personally upon Tweed, in a court of law, the proof of his guilt. There has been no other objection urged to him. The Republicans could well afford, from a party standpoint, to stand by and see him rejected. . . . *On the other hand, we must all admit that Tilden is not supported by the canal plunderers.*"

The day after the nomination the "Times" said :

"The New York Democratic convention made an end of its work yesterday, by nominating Mr. Tilden for governor. Mr. Tilden is a highly respectable candidate, and no man in the State who wishes to see the return of the Democratic party to power need be ashamed for him."

The day after the Republican convention had renominated Governor Dix the "Times" said :

"Here, then, our readers have before them the Republican ticket and platform for the present year in New York State, and we make no rash prediction when we say that it will prove to be the *winning* ticket. Mr. Tilden is a very respectable man, but who would dream of electing him governor in preference to General Dix?"

On the 5th of October it began to fear there were some more or less troubled with such dreams. It said :

"The Democrats of New York State have so seldom presented a candidate of good personal character to the community, that we need not feel surprise at the pride which they now take in exhibiting Mr. Tilden. . . . There is every motive for working energetically against the Democrats in New York State. . . . It is not Mr. Tilden, but the men behind Mr. Tilden, whom the public have to fear."

The "Evening Post" (Republican) said :

"The people of New York have reason to congratulate themselves upon the nominations of Mr. Tilden and Mr. Dorsheimer by the Democratic party as its candidates for governor and lieutenant-governor. Every citizen of either political party ought to feel satisfaction whenever the opposing party proposes an admirable man for public office."

The "Albany Evening Journal" (Republican) said :

"We have respect for Mr. Tilden. We utter nothing in disparagement of his character or his worth."

Governor Dix was renominated by the Republicans, but his was no longer a name for politicians to conjure with. Some of the reasons are set forth with confidential frankness in the following letters from Seymour to Tilden, though it was what Tilden had done and what Dix had not done, rather than what Dix had done, that prostrated him at the polls.

HORATIO SEYMOUR TO TILDEN.

"APPLETON, WIS., Oct. 3, 1874.

"MY DEAR SIR:

"I think the right way to expose General Dix is to hold him up to ridicule. His age, etc., might make serious attacks unpopular. Suppose some of the bright writers of the 'World' should defend him against the charge that he was always ready to change his politics, and that he never did so unless he got a large consideration and pay down. Starting out with a view of being an Anti-Mason, he shifted to the Democratic party for the office of adjutant-general. He hesitated between Cass and Van Buren until he was nominated for governor by the Free-Soilers. He went back to the Democratic party for the New York Post Office under Pierce. He went over to Buchanan for a place in the Cabinet; and from his Free-Soil views he became so violent for the South that he would not vote for Douglass, but supported Breckenridge. After presiding at an anti-war meeting, he at once went over to Lincoln when he was made a major-general. To get a nomination for the French mission he took part with President Johnson. To get confirmed he left him for Grant. In 1868 he intrigued for a presidential nomination from the Democratic party, as in 1866 he had tried to be nominated by the same party for the office of governor. Not getting this nomination he held on to Grant, and in 1872 he got a nomination from the Republicans. I think this history shows that he valued his political principles at a high rate, and never sold them unless he got a round price and pay down. In the hands

of Hurlbut or some like writer all this can be written up in a way to expose Dix to good-natured ridicule.

"I will send you by this mail the statement of executive expenses.

"Truly yours,

"HORATIO SEYMOUR."

HORATIO SEYMOUR TO TILDEN.

"Private.

"OCT. 5, 1874.

"MY DEAR SIR:

"I send you an account of executive expenses for some years back (to my term). You will see that they have increased since the war, while they should have been cut down, as the work in the governor's room was very heavy when we were sending off more than four hundred thousand men. Then the office hours were from eight in the morning until ten at night. If you look at the Red Book you will see that Governor Morgan had two aids in time of war, while Governor Dix had six in time of peace. Morgan had a messenger for his office. Dix had two; one of them called military messenger. Morgan had a private secretary at a salary of \$2,000. Dix had the pay put up to \$3,500, and then put his son in the place. This with the governor's pay, which, under cover of rent, expenses of house, etc., amounts to \$14,000, gives the family a pay of \$17,500 each year. I do not object to liberal pay, but it does not look well for a reformer to increase his own compensation under pretexts, and then try to get others to submit to retrenchment. The people think the governor gets \$4,000; in fact, under different pretexts it is made \$14,000. I think some part of this violates the constitution, which says his pay must not be changed during his term of office. He stands in no position to punish or remove sheriffs or other officials for taking illegal pay.

"You will see that under Hoffman expenses were very heavy. This was due to the fact that a house was made for governors at the time and the whole cost charged to him. Dix would not occupy the house. The cost was lost to the State, and in addition it had to pay \$5,000 for another residence.

"Truly yours, etc.

"HORATIO SEYMOUR.

"HON. S. J. TILDEN."

In an interview published in the "New York Herald" on the 14th of September, and a few days before the election, Charles O'Connor proclaimed his interest in the success of Mr. Tilden. He said he took a warm interest in his present canvass, and warmly advocated his nomination as the Democratic candidate for governor. He (Mr. O'Connor) had been actively engaged with Mr. Tilden in prosecuting the reform movement measures, and he could vouch for his unequalled energy and ingenuity in that direction. He had been in opposition to Mr. Tilden and to those who were called the "war Democrats" on questions of federal politics ever since the Free-Soil movement originated. They had, however, acted together in the formation of the constitution of 1846, especially in maturing the provisions regulating monopolies, such as railways, manufacturing corporations, banks, etc. The people of other sections were striving to attain the same beneficial constitutional principles as were indicated in the anti-monopoly movement in the Western States. He regretted with Mr. Tilden that they had been such cowards as not to go more radically into the prohibition of those evils. He was opposed to the Legislature granting any special charters, not repealable.

Mr. Tilden was elected in November, and whatever lessons were to be taught by large majorities were not wanting to lend *éclat* to his triumph. His plurality over his Republican competitor was 53,315, or about the amount of Dix's plurality in 1872.¹ The aggregate change in the vote of the State was over 100,000, or about one-fifth of its total population. It was practically a revolution of which the name of Tilden was the inspiration, and upon which, in an interview the day after the election with a representative of the "New York Tribune," the governor-elect himself put the following interpretation:

"The people are beginning to think that it is time to have a real peace in the United States. It is now ten years

¹ Dix's plurality in 1872 was 53,451.

since the conflict of arms closed ; but we still have the financial system and the taxation which grew out of the period of war. The Grant administration subsists upon the passions and hatreds that were engendered by the war. It is perhaps human nature, but it is human nature in a low phase to perpetuate this state of things just as long as the administration could thereby prolong its power. At any rate, it is unequal in every sense to devising and executing the measures which the situation of the country now imperatively requires. The country feels the waste of capital during the war ; it feels the reaction, the false system of finance, the burdens of debt, and the blight of excessive taxation. The inevitable evils of the situation are increased by the policy of the government toward the States of the South. How can we paralyze the production of those communities to which we are indebted for so large a share of our exports, create uncertainty in every business enterprise in those communities, hold the people of those States by force and by terror under such a dominion as the 'carpet-bag' governments, maintain there the most gigantic and audacious system of robbery ever known among civilized people, and not expect that these wrongs would react on our own prosperity? The whole spirit of the government policy is founded on the illusion of a false prosperity, which could not but break and spread fragments of ruin around us. Everything since the war has been fictitious. The people were taught, after four years of havoc, in which millions of human lives were lost and at least five thousand millions of dollars of property destroyed, that we had been all the time growing richer. This tended to satisfy the people with the existing policy of the government, and to keep in office the men who held the power. It deluded the people into allowing a continuance of public expenditures that was unnecessary and extravagant, fat jobs, distribution of plunder to favorites, costly establishments which ought to have been cut off, hordes of office-holders and dependents, unjust and oppressive systems of taxation, adapted not to raise revenue with the least sacrifice to the people, but promote the selfish interests of favored classes. The waste of capital during the ten years since the war occasioned by this policy would be equal to some years of the ravages of actual war. The people are now waking from the illusion. The sooner they

confront the real situation the better. The first step toward a remedy of the disease is to obtain a true diagnosis of the malady. The meaning of the elections is that the people are going to discard their present political doctors, and try somebody else. Chastening brings wisdom. The election in this city has been carried against all the patronage of the federal, State, and city governments. The people have been victorious here, stripped of every office which they are taxed to maintain."

With the prospect before him of needing efficient aid in administering the government of the most populous and most wealthy State in the Union, upon the lines which he had marked out for himself, Mr. Tilden did not wait for his election before taking such measures as were practical for securing it. He saw the necessity of recruiting from the younger men of the State. The party was officered mainly by men either advanced in years or so inured to defeat for nearly a generation as to be lacking in the spirit and courage which wins victories, or if in earnest for reform had lost faith in the omnipotence of truth and right. He saw the need of bringing new blood into the party, young men who had not been discouraged by defeats, nor demoralized by bad examples. "Old men grunt, young men lift," was one of his political aphorisms.

At a reception given him by the Young Men's Democratic Club in New York, shortly after his nomination as governor, he took occasion to present to the young men of the country his views of their political duties with considerable fulness, and at the same time to extend to them a sort of official welcome into the public service. After a brief reference to some of the influences which had discouraged young men from occupying themselves with public questions, especially to the ill-omened repeal of the Missouri Compromise, which broke up the traditions of ancient settlements, kindled the flames of sectional strife to a degree that made it matter little what a man's opinions were or what his conduct had been in regard to any of the

ordinary concerns of government or human society, it being enough that he took a particular view on the question that most excited the public mind, he added :

"The consequence was that we almost ceased to educate young men to do their part in human society towards carrying on the functions of government. I had occasion in 1867 to look around for somebody to nominate for State officers,—at least to exercise what little influence I had in the nomination,—and in conversation with a gentleman not now living, we agreed that we ought to introduce into the public affairs of this State some young men. After he had named all he could think of, I told him they were all about fifty years old. 'You are fifty, and I am fifty, and every one is fifty ;' and that was the finale of our attempt to discover young men fit to be charged with public trusts. Now, I don't doubt there were young men of competency and character ; but the difficulty was, there had been no opportunity to train them, and no opportunity to discover them. We had lately had no schools of statesmanship in this State or in the nation. There have been no statesmen of the younger class to carry on the government of this country. And it is because there is in this society the germ of a better future for our country that I came here to-night to commend and encourage you ; and I hope you will go forward in the work you have begun. We who are older than most of those I see around me would look in vain for those to whom we can hand over these great trusts, if they are not formed within the next few years.

"Go back to the original fountains of Democratic-Republican opinions in regard to government ; go back to the primitive sources of thought in our own country. You may find there all that you will need for the uses of to-day. Seek the application of the great principles of popular government to the problems that are before us. Seek above all to elevate the standard of official morality in the public trusts of the country. I can remember perfectly well when you might stand in the legislative halls of this State,—it is not more than eight-and-twenty years,—and no man would suspect any member of being under any influence, consideration, or motive that was not perfectly legitimate. I have not time to-night to point out or trace

the causes that have produced such a lamentable decline of official morality. We must now look to the future. We are to seek a remedy for the state of things through which we have been passing, and in nothing can it be found so effectively as in a combined effort to elevate the tone of morality on political questions, and to raise our standards of official life.

"I have been one of those who, amid periods pregnant with despondency, still retained that trust in the body of the American people with which I began life. I did not incline to censure those who sometimes felt despondent. But I myself never lost courage; never lost my belief that the element of human society which seeks for what is good is more powerful, if we will trust it, than all those selfish combinations that would obtain unjust advantages over the masses of the people. And I believe I see here to-night, in the intelligent young men who compose this club, who have long futures before them,— I believe I see among them those who will be able, if they retain their trust in the people, if they retain their devotions to principles of right, to form for this city, for this State, and for this country, a great and noble future.

"I had occasion a few years ago to say to a class of young men about to take their positions at our bar, that I believe—and I still believe—that talent, ability, honor, would achieve everything that the human heart ought to desire, if only it were insisted that they should be achieved without any concession of one's conviction of right or one's sense of duty; that it might not seem quite so easy, perhaps not quite so speedy, a means of success, but it was the only certain one, and when the object was attained it would not turn to ashes in your grasp. I have never known a man so eager for objects of ambition or of fortune, that he sought to obtain them by indirection, who did not find, when, if ever, they were attained, they failed to satisfy. The human heart is incapable of being satisfied with anything but real victories in the race of life, and, therefore, young men,— and this is the last observation I have to make to you,— never doubt that the right will be successful, and the right only."

The governor was inaugurated at the capitol on the first day of January, 1875. He was conducted to the Assembly

chamber by General Dix, who on reaching the desk occupied by the Secretary of State, addressed his successor as follows :

"MR. TILDEN : The people of the State have called you to preside over the administration of their government *by a majority which manifests the highest confidence in your ability, integrity, and firmness*. I need not say to you, who have had so long and familiar acquaintance with public affairs, that in a State of such magnitude as ours, with interests so vast and diversified, there is a constant demand on the chief magistrate for the essential attributes of statesmanship. It is gratifying to know that the amendments to the constitution, approved and ratified by the people at the late general election, by limiting the powers of the Legislature in regard to local and special laws, will in some degree lighten the burden of your arduous and responsible duties. While a material progress has been made during the last two years in the correction of abuses, much remains to be done, *and the distinguished part you have borne in the work of municipal reform in the city of New York gives assurance that under your auspices the great interests of the State will be vigilantly guarded*. I tender you my sincere wish that your labors in the cause of good government *may be as successful here as they have been elsewhere*, and that your administration may redound to your own honor, and to the lasting prosperity of the people of the whole State."

To these words of guarded commendation Mr. Tilden made the following reply :

"GOVERNOR DIX : It is he who has completed a period of distinguished public service, and, having gathered all its honors, has nothing left to him but to lay down its burdens,—it is he who is to be truly congratulated on this occasion. I cannot stand in this hall to assume the chief executive trust of the people of this State, now to be transferred by you, without my thoughts turning on him (Silas Wright), your friend and mine, and my father's, who held it in early manhood. I came here to sustain his administration. In the interval, how vast and diversified have the interests become which are under the guardianship of the State

administration! To build up this great Commonwealth in her polity and institutions until they shall become a greater blessing to all the people within her jurisdiction, and an example worthy of imitation by other communities, is a work far surpassing any object of human ambition. I had hoped to pass the coming winter in the cradle of ancient literature and arts. In the exchange, in which I undertake duties you have so honorably performed, I understand that you find an opportunity to visit a portion of our own country not inferior in natural advantages to the renowned climes of the Old World. I felicitate you on the pleasures to which you may look forward to by reason of your fortunate transfer, and beg to assure you that you and your accomplished lady and the other members of your family will carry with you my warmest wishes for your happiness in those recreations and in all your future."

CHAPTER X

Inaugurated as governor — First message — Warning letter from Charles O'Connor — Special message relating to the canals — Canal-investigating commissions — Vetoes — William Cullen Bryant — Municipal-reform message — Official protest against the interference of United States troops with the legislation of Louisiana — Vacation tour through the canal counties — Receives the degree of Doctor of Laws from Yale College — Habits of labor — Second annual message — Utica convention — Fifth-avenue conference — Tilden's views of civil-service reform — Nominated for the presidency — The platform.

MR. TILDEN brought to his exalted position a measure of professional training, of political and financial experience, and practical knowledge of men, whether in mass or detail, which had never before been combined in an equal degree in any chief magistrate of the Empire State. His life seemed to have been a preparation for the work to which he had been called. In his youth he had learned from the struggles of the Democratic party with the United States Bank the folly of an unsecured paper currency as the basis of industrial and commercial exchanges, and the demoralizing influence upon society of the reckless system of credits to which it gives birth. During a period of more than fifty years he had lived in constant and familiar intercourse with the ruling men of the country, and enjoyed opportunities of appreciating its varying political situations during that long period under every advantage, and of appropriating their lessons. Though much of that time in a position which entitled him to his choice of the public honors of the country, he was never an office-holder, nor the solicitor for himself of any official position at the hands of a political patron. During his twenty years' hard service at the bar he had established a reputation in his chosen

department of the profession to which it will not be undue praise to say that no other man in the United States could make pretension. Though often deploring its measures, he had adhered to the Democratic party from a conviction that his power for usefulness to the country was greater inside than outside of that organization.

(The Legislature which shared with Governor Tilden the responsibilities of the State government in 1875 was divided politically.) The Republicans had the ascendancy in the Senate, the Democrats in the Assembly.¹ It was apparent, therefore, that strictly party measures would have small chance of success while the enlarged powers conferred upon the governor by the amended constitution, of vetoing the separate items of appropriation bills, made him ultimately responsible for any extravagance in legislation. He had been nominated and elected as the prophet and apostle of reform. With a divided Legislature and a hostile administration at Washington, how would he make good his pledges? how realize the hopes and expectations of his friends? whose interests were to be prejudiced or improved by his recommendations? what defections from his following were to be apprehended? what new political alliances were to be anticipated? was he to prove a statesman or only a partisan politician? if the former, would he succeed or fail? These were some of the questions which had been the subjects of infinite speculation during the interval between his election and his inauguration, and which lent an unusual interest to his first official message to the Legislature.

That interest was increased rather than diminished by its publication. It produced a profound impression, not only within, but beyond, the boundaries of the State. It was unquestionably the ablest and most statesmanlike communication that had ever been addressed to the Legislature

¹ The Senate consisted of 18 Republicans, 12 Democrats, and 2 Independents; the Assembly, of 73 Democrats, 53 Republicans, and 2 Independents.

of the State of New York, as it was, I believe, the first one that was extensively copied by the press of other States. In it was foreshadowed with distinctness the controlling features of his administration.

First, reform in the administration.

Second, the restoration of the financial principles which triumphed in the election of Jackson and Van Buren, and left the country for the first time in its history without a dollar of indebtedness, and with unrivalled credit.

Third, the cheerful and unconditional acceptance of the thirteenth, fourteenth, and fifteenth amendments of the federal Constitution.

In furtherance of his policy of administrative reform, he recommended a revision of the laws intended to provide penal and civil remedies for frauds by public officers and their accomplices. These recommendations, during the same session carefully wrought into the legislation of the State, bore especially upon those forms of administrative abuse which the exposure and arrest of William M. Tweed had recently revealed, and also upon a kindred class of abuses in the management of our canals with which the Governor was already acquainted, and which were soon to be the theme of what was destined to prove to him the most important communication ever made by him to the Legislature.

The Governor received the following letter from his friend Charles O'Connor a few days after his inauguration :

"FORT WASHINGTON, Jan. 4, 1875.

"MY DEAR SIR :

"All observers must have noticed that politicians out of power censure the practices of those who are in power, until they succeed in displacing the latter ; and then, as the new officer takes the vacated seat of his rival, censure gives place to imitation.

" 'To power and place all public spirit tends ;
In power and place all public spirit ends.' "

"I do not mean to intimate any suspicion that this will be your course. But I cannot avoid apprehension that you may imagine the conflicts of your public life are to end with your assumption of your native State's chief magistracy. This is not probably the fact. You rose to power and real eminence on the topmost wave of a revolution which owed its political power very much, if not entirely, to yourself. The first Napoleon, if not an author, was, like yourself, an organizer of revolution. He was too wise to consider his campaign ended with the attainment of an imperial crown. He knew the necessity of continuing them, and for the brief term of eleven years that he reigned over the greatest of modern continental nations he was always in the saddle. Selfish ambition unfortunately controlled in the employment of his mighty intellectual forces; and the consequence is that his name remains a doubt on the page of history.

"Such as his has been the course of almost all military actors in revolutionary movements.

" 'They shed the blood of millions to renew
The very fetters their own arms break through.'

"Whether by positive action, or by being simply acquiescent, you will fail to sustain with your official powers the revolutionary reform that made you governor, is now the question of interest. If you do, the same poet above quoted will furnish opposite lines:

" 'One single step into the right had made
This man the Washington of Worlds betray'd,
One single step unto the wrong hath given
His name a doubt to all the winds of Heaven.'

"The desire for power whereby to practise official corruption is the only agent now active in political or official circles. This must continue until a strong-handed and perfectly fearless revolutionist with patriotic aims shall infuse a new spirit into the times. Your action in 1871 justified the belief that you might be the redeemer; and if now, the first moment you ever had any official power, you are found to shrink into the mere conservator of 'our friends,' I must commend to your reflection the lines last quoted.

"So much for generalities: I pass to particulars. The Mayor's¹ indictment as originally framed displays all the particulars needed to an inner view of the charnel-house which you and I tried to purify. We failed in the effort merely because official power, wedded to villainy, was too strongly entrenched. Your election has turned these entrenchments, and your single gun has force enough from its position to rake their whole line and give the victory to assailed justice.

"The official letters between Smith and Vance on the 29th and 30th of December, 1874, and the joint letter of Porter and Curtis to Smith, dated Jan. 1, 1875, complete the picture above alluded to. Agreeably to the policy indicated, treating me as resigned, Smith formally dismissed Peckham and Barlow; and the papers of Jan. 1, 1875, contain the joint acceptance by Porter and Curtis of the retainer in their stead. These are the very gentlemen who gave to Smith's predecessor a written opinion which you know was thrown in our teeth throughout the conflict.²

"Not satisfied with arguing against the State's right of action, they expressed doubts, on page 10, whether any action could be maintained for the court-house swindle.

"Whatever may have been your emotions on reaching the chair of state, Wickham has no conception beyond making a pleasant thing for himself and our friends out of the seat which he occupies.

"The millions which Barlow's austere integrity refused to accept as a compromise remains with the rogues, to be employed as a corruption fund. It cannot fail to be so employed, and without stern and vigorous opposition from you, it *must* be successful.

"The removal of Smith suits the taste of the powers here,

¹ A. Oakey Hall, then mayor of New York, was indicted and tried before Judge Charles P. Daly. The result was a mis-trial owing to the death of a juror.

² This opinion was to the effect that the suits which, upon the advice of Mr. O'Connor and his colleagues, had been brought by the attorney-general in the name of the State would not lie, and that the only actions which would lie, if any, would be those brought by the city and county by Mr. O'Gorman when corporation counsel, but which had not been proceeded with.

because it gives them the patronage and facilities of that office. Of course that will be done. But I do not believe that the public will derive any benefit from it unless you interfere, and that very resolutely.

"A., whom you named to me, will make a worse officer than Smith, because he is vastly more able and in no other respect better. The adjustment suggested in the 'World' of January 4 is a bargain in harmony. L. never showed us the slightest countenance. R., who I suppose is your journalist friend's choice, would be a mischievous donthingite. He was so throughout the conflict. Though I would say nothing affirmatively to his disparagement, I would consider the public interests merely abandoned by his appointment; the other appointment would be a betrayal of them.¹

"No true leader of an honest out-and-out effort at reform could hesitate to decide that a Democratic appointing power was bound to give the post to P.² But he who cannot do the best in an emergency, if reasonably sensible and intelligent, will generally have an alternative.

"O. would in all human probability fill the place satisfactorily. His right-hand man, though a bigoted nigger-worshipping Republican, is among the few that are good — one of the best.

"I care nothing personally about the mere individual interest of any among these suggested appointees. I argue for the cause. To it, however little I may actually do, I swear unalterable and untiring *fidelity* for that short space that may remain to me here; and that is the *animus* which inspires this letter.

"I take it for granted that *any one* among the aspirants to this profitable office will concede his entire patronage to the dictators of Tammany Hall — whoever they may be.

"You have more power over this matter than merely that of withholding your assent from the removal. That power, if it stood alone, might be insufficient.

"The Governor may remove the Mayor himself for cause. Laws of 1873, page 491. 1 Edmonds' Statutes, page 113-44. 6 Edmonds' Statutes, page 789.

¹ O'Connor was not opposed to the removal of Smith, but anxious for a worthier successor. William C. Whitney succeeded Smith as corporation counsel.

² Doubtless Wheeler H. Peckham, Esq., of the New York bar.

" You may suppose that no cause will be given. Green is the honest man whose firm resistance of the plunderers makes him the single official representative of the revolution inaugurated by you in 1871. Stimulated to it by the swindlers and their allies, the Mayor is determined to remove Green; and his eggshells will hardly let him sleep until he does the deed.

" In his fierce action toward this good official, coupled with certain surroundings, will be found ample cause. You doubtless wish to avoid a conflict of this sort; no one can censure the desire, but can you avoid it? On the other hand, are you prepared to express your official approval in writing, as required, when on false charges this single champion of the people's treasury is arbitrarily removed in order that a factionist or a *manageable respectability* may be appointed in his stead? I have no doubt but there will be a plot to purchase his resignation for this latter purpose. This will only prove *all concerned* to be self-seeking jugglers. It may be said that if the Mayor were removed, his legal successor would be no better than himself. This might be all the better, for it would awaken a demand for reform from the Legislature which could not be resisted.

" But an intimation to His Honor that this power exists, and may be used if necessary, might meet the exigency. Perhaps it would render him compliant to the demands of justice and sound policy.

" The important steps are :

" 1st. To put this law department into honest and efficient hands.

" 2d. To obtain precisely and broadly, as framed, the sections giving complete authority to the State in such cases.

" Your suggestion that this '*must, perhaps, be toned down*' is but a gentle method of expressing the order to strike the reform flag.

" This legislation should be obtained at once and acted on at once. Within ten days Tweed will be released by a reversal in the Court of Appeals, and unless in the meantime an efficient remedy be given, and civil process holding him to bail be issued, he will be off to join company with Connolly and Sweeney. The latter could now be prosecuted through Ingersoll's assistance if we could have an honest prosecutor, and either plain unmistakable law or an honest court.

"It will not do to say that on the strength of Allen's and Folger's opinions the city has a right of action for the \$6,000,000 court-house fraud. These opinions are probably unsound; all jurists of character will condemn them, and by and by they will be pronounced not law. It is only by just such a statute as has been drafted that the exigency can be met.

"If we had one more judge, there are easy methods of getting rid of the judgments given. The action against Ingersoll was actually abated before the judgment, and all the proceedings are consequently *coram non judice* and void.

"The Fields case rested on the void judgment in the Ingersoll case as its basis. Folger does not reason the matter, nor does he rely on the Allen opinion by any means; it is on the void judgment that he relies. See my pamphlet, page 91. It would be easy to vacate the judgment in both those cases, dismiss the Ingersoll case for irregularity, and re-argue the Fields case. A judgment of affirmance might then follow in the latter, the basis of the former decision being taken away. But there is just one too many for us, and that one with singular harmony is found to be the minority representative whom these ring swindlers put in by a false count in this city.¹

"More than twenty-five years ago I thought I saw that the corruption of parties must run to an intolerable excess before the victims of their malversation would be stirred to a revolutionary movement of sufficient force to check effectually the evil agencies in our government. I conjectured that the needed climax would not be reached in my lifetime, and hence my entire abstinence from participation in party politics. From this abstinence I derived many personal advantages. I was being permitted to pass quietly along and down into the vale of years toward the close. Standing in no man's way, I had every man's good word, and received universal courtesy. Though indulging and freely expressing the most unpopular opinions, the whole class of unprincipled politicians, having in fact no opinions of their own, liked me all the better for my unfashionable impracticability. It gave a comforting assurance to every one of them that in no possible turn of

¹ Folger was the judge to whom, doubtless, reference is here made.

events could I ever stand in his way. By courting he could use me and yet have nothing to fear from me.

"This was my happy condition when you broke in upon my seclusion in 1871. I cannot say that I had then any faith in the practicability of your attempt or any other to rescue popular interests from the process of strangulation by official villainy that was progressing. But I did not feel at liberty to say it was impossible, for I then held as now I hold,

" 'It doth become no man to nurse despair,
But in the teeth of clenched antagonisms,
To struggle for the worthiest till he die.'

"So, sir, on your summons I went in and helped you with all my might. The studies and observations of these three years, together with the actual progress of events, have produced a conviction in my mind that we have reached the climax; that a revolution is in movement, and that official depravity has reached its day of reckoning.

"So even if you sleep, perhaps I will not. The *pronunciamento* for the new administration in the form of an indictment (as originally prepared) ought perhaps to accompany this letter. Though it cost me more than ordinary trouble and effort, I never supposed that it would be accepted; but, as usual, I do my part; I prepared it. It is very much emasculated.

"Its value was infinitely beyond its adaptation to and sufficiency for the immediate business in hand. It pledged the new administration. After being made fully acceptable to the weak vessel who was to sign it, his secretary condemned it. It would displease 'our friends' was his irresistible argument. In both of the great political parties 'our friends' are the country's bitterest enemies.

"They exist in both parties in adequate numbers to suppress all efforts to any permanent good.

"This letter need not be answered. You are overrun with occupations, and with me there is no need of ceremony. It is only intended for yourself, and should not be made public; still I do not enjoin secrecy.

"Yours truly,

"CH. O'CONOR.

"GOVERNOR TILDEN."

The Governor in his message had anticipated Mr. O'Connor's appeal, and through his influence the requisite legislation was secured at that session.¹ Could its importance and the uses it was expected to subserve have been anticipated by those immediately concerned, it is doubtful if it could have been carried. As it was, it encountered no formidable opposition. It was the most important measure, if judged by its immediate fruits, enacted by the Legislature during the Governor's administration.²

The feature of his message, however, which at the time produced, perhaps, the most profound impression, not only upon the Governor's immediate constituents, but upon the whole nation, was that which related to the financial policy of the federal government. Till then, no prominent Democrat had ventured since the war to revive the financial

¹ Chapter 19 of Laws of 1875.

² Of the importance of these laws, Governor Tilden bears fervent testimony in a message to the Legislature on the 10th of May:

"It is but just to the present Legislature to say, that the three bills which it adopted with great unanimity, providing judicial remedies against frauds affecting the public moneys or property, are of more value for the repression of the evils of municipal government than all the legislation which has taken place during the twenty-nine years in which the mandate of the constitution, in respect to municipal administration, has remained unexecuted.

"It is true they reach abuses only when extravagance and improvidence degenerate into bad faith or fraud; but they apply to every official of every city, as well as to all State, county, and town functionaries.

"They apply to every case in which a city official shall, with intent to defraud, wrongfully obtain, receive, convert, pay out, or dispose of any public moneys, funds, credits, or property. They apply to every case in which such an official shall, with like intent, by wilfully paying, allowing, or auditing any false or unjust claim, or in any other manner or way whatever, aid or abet any other person in wrongfully obtaining, receiving, converting, paying out, or disposing of any public money, funds, credits, or property. They apply also to every person who, dealing with any official, shall, with intent to defraud, wrongfully obtain, receive, convert, pay out, or dispose of any such money, funds, credits, or property. They sweep away the complicated technicalities by which conviction for such offences has hitherto been embarrassed or defeated."—*"Public Writings and Speeches,"* Vol. II. p. 122.

traditions and policy which were still associated in the public mind with the historic triumphs of the Democratic party. Wild and silly notions of repairing the waste of war and restoring the depressed energies of industry and commerce by unlimited issues of irredeemable currency had infected large sections of the country. A generation had grown up who had never seen or used any other money than a printed promise of the government; and it had become a widespread conviction among the aspiring politicians of both the great parties, that the current of public opinion in favor of an inflated and irredeemable currency would overwhelm and destroy any public man who should attempt to stem it. No convention of either party in any State of the Union had yet risked the experiment; the active leaders of both had either avoided or yielded to the current. The Governor had no toleration for such delusions, nor much for those who yielded to them. Of course he did not fail to avail himself of the first opportunity from the executive chair of branding them as delusions.

The views presented by Mr. Tilden in this message possess an interest that is neither local nor transitory. They concern now and hereafter, as then, all who are charged with the responsibility of government. He has been heard to speak of this part of his first message as constituting a new and therefore unwritten chapter in the literature of finance.

With reference to Mr. Chase's policy of raising money for the prosecution of the war by the forcible circulation of an irredeemable currency, the Governor said :

"There is no doubt that the issue of legal tenders during the Civil war hastened and greatly increased that inflation of prices which naturally resulted from the increased consumption and the waste caused by military operations, and from the diminished production occasioned by so large a withdrawal of workers from their ordinary industries.

"It is the nature of credit to be voluntary. It is founded on confidence. Credit, on compulsion, is a solecism. So

that a forced loan of capital from all existing private creditors cannot but be costly.

"It was made, in this instance, on a security which bore no interest, and interest on which could only be represented in discount from its par value. It gave to the lender an agreement to pay, which, being instantly due on demand, started in its career a broken and dishonored promise. Every successive holder was left to conjecture when it would be redeemed by the issuer; how far it might be absorbed in the treasury receipts; whether it could still be paid out to some private creditor; at what loss it could be passed away in new purchases, on a market advancing rapidly and irregularly. Everybody was advised that the federal government—unwisely distrusting the intelligence and patriotism of the people—shrank from exercising its borrowing power, supplemented by its taxing power; that, instead of resorting at once to the whole capital of the country capable of being loaned, which forms a vast fund perhaps thirty or forty times as large as the then existing currency, it chose to begin by debasing that comparatively insignificant part of circulating credits, creating fictitious prices for the commodities and services for which it was next to exchange its bonds, in an expenditure ten times as large as the whole amount of the legal tenders it ventured to put afloat. No man could know how often or how much of legal tenders might be issued under possible exigencies of the future. It could not be wholly forgotten that such issues, made by our ancestors to sustain the victorious war for National Independence, were never redeemed, while the public loans made for the same purposes were all paid. It was remembered that history affords other warning examples to the same effect. These elements of distrust were needlessly invoked. But the system stopped short of the logical completeness of the expedients of the French convention in 1793. While it compelled the existing private creditor, or anybody who should grant a new credit, to accept payment in legal tenders, it did not assume to regulate the prices of commodities. The seller, therefore, gradually learned to represent the depreciation of the currency in the price of the article he exchanged for it. As compared with gold, the currency, during all the last year of the war, was depreciated to between forty and fifty cents on

the dollar, touching at its lowest point thirty-five cents on the dollar.

"It was not alone by the direct effect of the depreciation of the currency that prices were acted upon: speculation was engendered. Political economy takes little account of the emotional and imaginative nature of man. In long periods, with numerous instances, the average, deduced as a law, may perhaps discard that element. But in a particular instance, or at a particular time, it is often very potent, and must be estimated in any calculation which aims at accuracy.

"After a period of rest — when the disposition to activity begins to revive — a slight circumstance often excites a speculation that becomes general. The opening of a new market, an apprehended deficiency in the supply of a commodity, any one of a thousand circumstances, may, in a certain state of the public mind, be a spark to kindle a blaze of speculation throughout the commercial world. How much more, then, might it have been expected that such a governmental policy would inspire and inflame the spirit of speculation? The effect was greatest during the process of a new issue of currency, or while it was anticipated. After the issue was completed, there was generally a subsidence, or a reaction."¹

Mr. Tilden's own views of what would have been the true financial policy of our country during the war, and which, as we have already stated, he had in substance recommended to Mr. Stanton, are also set forth in this message :

"Governments, in times of public danger," he says, "cannot be expected always to adhere to the maxims of economical science; the few, who would firmly trust to the wisest policy, will be often overborne by the advocates of popular expedients dictated by general alarm. If the federal government had paid out treasury notes not made a legal tender, in its own transactions whenever it was convenient, and redeemed them by the proceeds of loans and taxes on their presentation at a central point of commerce, and meanwhile had borrowed at the market rates for its

¹ "Public Writings and Speeches," Vol. II. p. 55.

bonds, secured by ample sinking-funds, founded on taxation, and had supplemented such loans by all necessary taxes, the sacrifice would not have been half that required by the false system adopted, perhaps the cost of the war would not have been half what it became.

The fallacy lurking in many minds, and by which the army of inflationists have been largely recruited, that the quantity of the currency, even when it has become stationary and quiescent, creates by its direct action a state of prices proportionate to its quantity, is thus disposed of:

"The premium on gold fell from 185 in July, 1864, to 29 in May, 1865; or rather the currency rose from 35 cents to 77 cents in gold value, while the amount of the currency remained undiminished. The quantity of the currency in the hands of the public — taking the aggregate of the legal tenders and the bank-notes, and excluding all of both which are held by the treasury or by the banks — is now larger than at any former period. The existence of such a quantity has not arrested the tendency to a general fall of prices. The present inconveniences in business, which it is proposed to remedy by a new issue of currency, have originated and gone on to their maturity, while the currency was being distended to its greatest volume.

"An excess beyond what is capable of being used for the business of society is now, for the first time, distinctly indicated. The movement of the crops in the last autumn — which requires something like one-tenth addition to the ordinary amount — created no stringency. The banks have voluntarily withdrawn some millions of their circulation. It is probable that the amount capable of being absorbed by the business of the country will continue to fall for a long period.

"In such a condition of business, of credit, and of the public temper, a new issue of currency would not cause a rise of prices, unless it were so excessive as to occasion speculative depreciation, or distrust of ultimate redemption. It could not reanimate the dead corpse of exhausted speculation. A period of quiescence must ordinarily

precede a renewal of the spirit of adventurous enterprise.¹

"The distress now felt is incident to the continued fall of values, which is the descending part of the cycle through which they must pass after being forced up to an unnatural elevation. The want felt is a want of capital which the party does not own and has not the credit to borrow, not a lack of currency. It is caused by investments in enterprises which have turned out to be wholly or partially bad, or which give slower returns than were anticipated; by too much conversion of circulating capital in fixed capital; by excessive undertakings or engagements, induced by a reliance on a credit that was transient. In a period of falling prices, good property becomes less convertible. It loses its circulatory quality. It almost ceases to be a resource to obtain money.

"These inconveniences would not be removed, if the government should put out legal tenders and take in a corresponding amount of bonds, or if a bank should deposit bonds, and receive notes in exchange. Still the individual distressed for the want of capital would have no additional means to buy or borrow these new issues, which the new owner would obtain only by paying for them. A diminution of the government bonds outstanding is a condition of the increase of legal tenders or bank-notes. If an embarrassed person could obtain the government bonds surrendered or deposited, he would be as much relieved by his power to dispose of them, as he would by a power to dispose of the legal tenders or bank-notes. His difficulty is that he is equally unable to obtain either. He has not the means to buy or the credit to borrow them. What he wants is something to make his bad investments good, — his slow investments current; something to make his property convertible, — to impart to it a circulating quality, as when there is a general rise of values under a speculative excitement, and everybody is disposed to buy, and everything finds a ready market.

"He wants something to create in others a disposition to buy, in order that he may be able to sell. This is what, in the present state of things, an increase of the currency will not do. It would not act mechanically on prices. It

¹ "Writings and Speeches," Vol. II. p. 57.

does not operate by physical means. It simply influences the minds of men. It induces them to buy, and, in the effort to do so, they bid up prices. It is only when the minds of men are disposed to receive an impulse towards buying, that such an effect is produced. When speculators go into the market to influence others to buy, in order that they may sell, the conference usually ends in a fall. Even when speculators go into the market to sell on an event expected to cause a rise, the result is commonly a fall. Everybody cannot get out at once, at the expense of others.

"The amount of currency required by the needs of business is not to be decided by former experience. There is no doubt that, on the first issue of legal tenders, they were largely substituted for other forms of credit. A single case will illustrate: The sudden rise in prices enabled the farmer to become the owner of the floating capital, on which his next year's dealings with the country merchants were to be carried on. The habits of business change to adapt themselves to new conditions. It is possible that the government might cautiously follow the tendencies of trade, and retire each clearly ascertained surplus without doing any harm. But a withdrawal of any considerable portion of the amount required at the season of the year which creates the largest demand would produce serious and unnecessary distress. The adoption of a system which should threaten such a result would be very mischievous. The federal government is bound to redeem every portion of its issues which the public do not wish to use. Having assumed to monopolize the supply of currency and enacted exclusions against everybody else, it is bound to furnish all which the wants of business require. The case is as if the government should undertake to monopolize the supply of lake-propellers or canal-boats to bring grain to market. If it should not furnish enough, the derangement of business and the distress of producers and consumers would be intolerable. While securing redemption, the government should organize a system which passively allows the volume of circulating credits to ebb and flow, according to the ever-changing wants of business. It should imitate as closely as possible the natural laws of trade which it has superseded by artificial contrivances."

He thus states the conditions upon which, in his judgment, the federal government might and should resume, and upon which it ultimately did resume without the slightest practical difficulty:

¹“The ability of the federal government to resume specie payments is thus simply a question of its command of resources to pay such portions of the circulating credits it has issued as the public, not wishing to use, may return upon it for redemption. The amount to be paid cannot be considered large, in comparison with its financial operations. It has the taxing power, and by reducing its expenditure could accumulate an adequate surplus. It has the borrowing power and good credit. It can make permanent loans and pay the treasury notes which are returned for redemption. It can convert them or fund them into interest-bearing securities. In that case they would cease to be currency, and would take their place among investments like national, State, municipal, railroad, or other corporate bonds, or any of the numerous forms of moneyed securities, of which many thousand millions are held in our country. The circulatory quality, in securities of equal general credit, is chiefly a question of the rate of interest they bear.

“The amount of coin necessary for resumption is, *first*, an adequate reserve to meet the demand for exportation, for which the treasury would become the universal reservoir; and, *second*, a surplus sufficient fully to assure the people that the treasury supply would not be exhausted. The power to command coin as the owner of foreign bills of exchange, or in other forms, would, to a large extent, be equivalent to possessing coin. Beyond such an amount of coin, the question is simply a question of capital.

“The exact time of actual resumption, the process, the specific measures, the discreet preparations — these are business questions to be dealt with, in view of the state of trade and of credit operations in our own country, the course of foreign commerce, and the condition of the exchanges with other nations, the currents of the precious metals, and the stocks from which a supply would flow

¹“Writings and Speeches,” Vol. II. p. 60.

without undue disturbance of the markets of other countries. These are matters of detail, to be studied on the facts and figures. They belong to the domain of practical administrative statesmanship."

The message closes with an appeal to the people which is as timely to-day as when it was made, and which, as years roll on, is likely to deserve increasing rather than diminishing attention.

"For nearly a generation the controversies which led to fratricidal conflict have drawn away the attention of the people from the questions of administration, which involve every interest and duty of good government. The culture, the training, and the practice of our people in the ordinary conduct of public affairs have been falling into disuse. Meanwhile, the primitive simplicity of institutions and of society in which government was little felt, and could be neglected with comparative impunity, has been passing away. If public necessities must wring so much from the earnings of individuals, taxation must become scientific. In our new condition all the problems of administration have become more difficult. They call for more intellect and more knowledge of the experience of other countries. They need to become the engrossing theme of the public thought in the discussion of the press, and in the competition of parties, which is the process of free institutions."

This message was presented to the Legislature on the fifth day of January, 1875. On the nineteenth of March, and as soon as Governor Tilden had secured from the Legislature such additional remedies for official delinquencies as were requisite for his purpose, and to which reference has already been made, he invited the attention of the Legislature, in a special message, to the mismanagement of the canals.

The "canal ring" embraced, as the name implies, about an equal proportion of both political parties. It consisted of men who had become wealthy by plundering the State as contractors, and of political parasites who were indebted

to them for their positions, and who as agents of the State certified their work, audited and paid their bills. The master spirits of this ring at the time of Tilden's accession to the governorship were Messrs. Denison and Belden, of Syracuse. Denison trained and traded with the Democrats; Belden, with the Republicans. In this way they had a key to the pantry of every administration, and between them both, like Jack Spratt and his wife, they licked the platter of both parties clean. Denison was a good-natured and festive creature, who stepped to the front when the Democrats were in power; while his partner, Belden, was a cool-headed and capable man of business, strictly temperate in his habits and punctual in his attendance upon the services of his church. He appeared on the stage when the Republicans prevailed. It used to be said of the firm that "Denison furnished the rum and the Democracy, and Belden the hypocrisy and the Republicanism."¹ Jarvis Lord and Willard Johnson, who at this time occupied seats in the Legislature, and George D. Lord, the son of Jarvis, who had been in the Legislature and was soon to be indicted for bribery, were also extensive canal contractors, and more or less closely associated for ring purposes with Denison and Belden. The Legislature contained many more members who were, some partially and others entirely, indebted for their seats to these men. Several, if not all, of the State officers were under like obligations of fealty. Mr. Tilden had been familiar for years with their power and methods of operation, for he had frequently tried conclusions with them, in which, when not defeated, his victories cost nearly if not quite all they were worth.

Knowing the power of the adversary with which he proposed to do battle, and that it would not do to make any charge which he was not prepared to substantiate and maintain against all comers, he had begun to collect the

¹ Cook's "Life of Tilden," p. 183.

material for this message soon after his election. He employed Mr. Elkanah Sweet, a civil engineer, whose professional and personal character had won his confidence, to visit those portions of the canal upon which contract work had been done during the five or six preceding years, and instructed him to take down sufficient of the walls in the prism of all the canals to ascertain the dimensions and character of their work, and then to visit the auditor's office to compare the work done with the work required by their contracts. The result of this investigation and comparison were laid before the Governor at or very soon after his inauguration, but without a suspicion of what had been going on, or the purpose of it, gaining currency outside of the executive chamber. With these reports in his hand the Governor prepared his message, which, when presented by his private secretary, was equally a surprise to the Legislature and the public. In it he set forth in detail the fraudulent processes by which for an indefinite period of years the State had been plundered, its agents debauched, its politics demoralized, and its credit imperilled.

The Governor startles the reader at the outset by the statement that for the five years preceding his election the cost of repairs on the canals had cost the State over five millions of dollars more than the revenue received from them in tolls.

He then sets forth in detail the processes by which the contractors, in collusion with the engineers and canal board, get pay for work never done and excessive pay for what they did. He cites ten cases in which he compares the sums paid by the State with the sums for which the contractor agreed to do the work at the lettings made by the commissioners. The amount in the latter case was \$424,735, in the former \$1,560,769, showing that the State paid nearly four times what was due for the work done under contracts which were still draining the treasury, and with no prospect of termination.

"We are not to look for the causes of these evils," says the Governor, "in the general laxity of official and political life, which certainly has sins enough of its own to answer. The interest which fattens on abuses of public expenditure is intelligent, energetic, and persistent, acting as a unit; it takes part through its members in the organization and the doings of both political parties; seeks to control nominations; rewards friends; punishes enemies; and it begins to operate by every form of seductive and coercive influence upon public officers as they are elected."

The Governor concluded his alleged message by recommending that a commission be appointed to investigate the abuses with a view to appropriate legislation.

The fulness, boldness, and directness of his charge produced a profound impression not only throughout the State, but throughout the country. It was the first time the numerous and powerful class who had profited most by canal expenditures had been so seriously arraigned at the bar of public opinion by any chief magistrate. It was a declaration of war against a caste who claimed to hold the balance of power in both the great political parties. Should he prevail, his example would naturally spread, and in time establish a policy of administrative reform which would be fatal, politically at least, to a large section of the class which controlled the political organizations of the country. Should he fail, it would be a failure in which only the wicked and stupid could triumph; it would discourage the patriotic; depress, if it did not extinguish, all hope of reform; and would teach the young ambition of the country that it must make its alliances with the corrupt and selfish elements of its party if it wished to share in party distinctions.

Of the many thousands who admired and commended this message, few appreciated the courage and faith required to make it. In a similar struggle with the baser elements of his party, Silas Wright, in the zenith of his fame and

popularity, forty years ago, was struck down and exiled from public life. With the fate of such an illustrious victim before his eyes, Mr. Tilden did not hesitate to give the public enemy battle. He preferred to perish like Icarus in attempting great things, than to connive at the cancerous abuses which were gradually eating away at the vitals of our political system. Besides, he had a firm faith in the readiness of the people to sustain any well-concerted, practical effort in the direction of honest government.

The Legislature, though containing many of the most notorious canal jobbers and their political defendants, was obliged to yield to the irresistible impulse which the Governor's message had communicated. He was promptly authorized by a joint resolution of both Houses to appoint a Committee of Investigation.¹

To break the effect to be apprehended from an investigation to be made by any such commission as the Governor was likely to name, the canal interest in the Legislature procured the Assembly to create another commission of its own to discharge the same duty. The purpose for which this commission was constituted was soon revealed by an application from them on divers plausible pretexts to be adjoined to the Governor's commission. The invitation so manifestly designed to render any investigation abortive was of course promptly declined. The consequence was that the Assembly's commission soon abandoned all pretence of an investigation, and little or nothing more was heard of it.

The reports of what was known as the Governor's Canal Investigating Commission, twelve in number, which were handed in from time to time during the summer of 1875 and winter of 1876, not only substantiated all the Governor's charges, but resulted in the indictment of George D. Lord for bribery; in the indictment of one of the Board of

¹ The Governor appointed on this commission John Bigelow, Alexander E. Orr, Daniel Magone, and John D. Van Buren, Jr.

Canal Appraisers for a conspiracy to cheat the State ; in the indictment of an ex-canal commissioner ; in the indictment of two ex-superintendents of canals and of one division engineer ; also in the suspension and final removal of the auditor of the Canal Department for unlawfully trafficking in canal certificates. All but two of these were Democrats.

The Governor's denunciation of the canal management and the investigation which it begat yielded to the State an early and abundant harvest. Notwithstanding his recommendations for retrenchment in his annual message, the appropriation bill that year for ordinary repairs, as it passed the Canal Committee of the Senate, was nearly as large as in 1874. The bill for extraordinary repairs, or new work, promised also to be nearly as large as that of 1874, appropriating nearly \$2,000,000. After the canal message came in, the appropriation for ordinary repairs was reduced \$200,000 below that of the year before.

The appropriations, for new work were reduced from \$2,000,000 to \$365,000, and the items representing this sum were vetoed.

The vetoes of the Governor not only put an end to the systematic plunder of the State under the guise of extraordinary repairs, thereby reducing the annual cost of the canals sixty or seventy per cent., but it confirmed the impression in the country that their chief magistrate not only was in earnest in his promises of reforming the State administration, but had what none of his predecessors had exhibited, — the courage and ability needed to keep those promises ; and what was more encouraging, to pursue the rogues of his own party with no less vigor than those of the opposition.

The "Rochester Chronicle" (Republican) of that day is responsible for the following :

"Governor Tilden weighs only one hundred and thirty pounds, but the canal ring entertains the view of him that the boy did of the mule. 'How much did he weigh?'

said the boy. 'Well, I only weighed one of his hind legs, and I calculate that weighed about 7,000 pounds.'"

His engrossing political preoccupations in these days did not render the Governor unmindful of his old friends, and a few weeks after his inauguration he invited one of the earliest and oldest of them, the late William Cullen Bryant, with his family to spend a week at the executive mansion. Their acquaintance had commenced when the Governor, a lad in roundabouts, accompanied his father to the office of the "Evening Post," in the early stages of President Jackson's controversy with Nicholas Biddle and the United States Bank. In after years Mr. Bryant often spoke of the impressions left upon his mind by this precocious stripling whose mature manner and conversation made him appear, but for his size and dress, rather the eldest of the party. Mr. Tilden soon after this visit came to New York, when the acquaintance thus begun ripened rapidly into an enduring friendship. Mr. Bryant gradually conceived such respect for his character and judgment, that he rarely took any important step in professional matters without consulting with him. A conference with the poet about his will was interrupted by Mr. Tilden's call to Albany for his inauguration as Governor. During Mr. Bryant's stay with the Governor at Albany he was tendered a reception at the executive mansion, and another by both branches of the Legislature, — this latter a compliment, which, I believe, had never been paid before in this country to a man of letters.¹

When Mr. Tilden became governor, the permanent debt of the several cities of the State of New York, embracing in round numbers a population of about two millions, exceeded \$170,000,000, of which the annual interest was about \$11,000,000. This interest alone exceeded by some two or three millions the amount appropriated for carrying on the government of the whole State for 1875.

¹ Bigelow's "Life of Bryant," p. 238.

The debt of the city of New York had increased in fifteen years to \$113,000,000, the interest on which alone would have sufficed to pay all the expenses of the city and county in 1860. Between 1840 and 1850, the city's debt had increased about twenty per cent.; between 1850 and 1860, fifty per cent.; between 1860 and 1870, nearly four hundred per cent.; and in the succeeding six years, at the rate of about six and one-half millions yearly. The tax-levy in 1850 was five dollars for each inhabitant, or for a tax-rate less than one per cent.; in 1876 the tax-levy was twenty dollars for each inhabitant, and the tax-rate was doubled. The increase of expenditure as compared with the increase of population during the same period being more than four hundred per cent., and as compared with the increase of taxable property more than two hundred per cent.

The abuses which these figures imply had resulted in part from the neglect of the Legislature to discharge the duty imposed upon it by the constitution of 1846, properly to restrict municipal corporations in their powers of "taxation, of assessment, of borrowing money, of contracting debts, and of loaning their credit," and in part from the as yet undefined boundaries which separate the provinces of local and State governments. The familiarity with the abuses consequent upon this neglect which Mr. Tilden had acquired in his four years' struggle with the Tweed ring made him feel it to be his duty to embrace an early opportunity of urging upon the Legislature a prompt compliance with its long-neglected constitutional duty. As the questions were more or less complicated, and required more study and deliberation than the members of the Legislature, if disposed, could well devote to them, the Governor on the 11th of May, in a message to the Legislature,¹ recommended the creation of a commission which should report at the following session "the forms of such laws or

¹ "Public Writings and Speeches," Vol. II. p. 119.

constitutional amendments as were required." This message resulted in the appointment of a commission consisting of the following eminent citizens of the State, without distinction of party: William M. Evarts, Oswald Ottendorfer, William Allen Butler, James C. Carter, Judge Lott, E. L. Godkin, Simon Sterne, Joshua Van Cott, Edward Cooper, Samuel Hand.

President Anderson, of Rochester University, was also designated, but in consequence of his official duties was unable to serve.

The labors of this commission were not so fortunate as to yield any practical result. They reported the draft of an amendment to the State constitution providing a framework of government for all the cities of the State. This amendment passed one Legislature, but failed in the second, at the special instance and dictation, it is said, of the late Senator Conkling. The rock on which it split was a provision for the creation of a Board of Audit, with powers to *examine* and *veto* only; to be elected by taxpayers or owners of property to a limited amount. This "property qualification of the electors" of the Board of Audit, though it in no way affected the qualifications of voters for the ordinary municipal officers, was cried down as an indirect, an underhanded attempt to restrict the suffrage.

A few months prior to the meeting of the Legislature a squad of United States soldiers entered the Legislature of Louisiana while that body was in session and removed from it five of its members. Lieutenant-General Sheridan, by whose orders this outrage upon a sovereign State was perpetrated, sent a dispatch proposing that a class of citizens, indefinite in number and description, should be declared, either by act of Congress or by the President, banditti. He then indicates a purpose to try and execute them by military commission. These acts and threats, though not only unlawful, but without any color of legality, were not only not rebuked by the President nor by the

acting head of the army, but the Secretary of War promptly telegraphed to General Sheridan that "the President and all of us have full confidence in and thoroughly approve your course." On the 12th of January Mr. Tilden very properly made these proceedings the theme of an earnest and impressive communication to the Legislature, in which he demonstrated, not only the utter lawlessness of the proceedings of the United States troops in the Legislature of Louisiana, but that the ulterior measure proposed by General Sheridan if carried into execution would have exposed him to conviction of the crime of murder at common law. He concludes his message with the following impressive appeal to the Legislature of New York, "first of the Commonwealths of the American Union, in population, in resources, and in military power," to condemn the proposition of General Sheridan "by a public reprobation which shall make it memorable as a warning to all future officers of the State and army:"

"The patriot statesmen who achieved our national independence, and formed our institutions of free government, foreboded, if we should ever fall in intestine strife, that the ideas it would inspire in military minds—of insubordination to the laws and of uncivic ambition—and the habit it would generate in the people—of acquiescence in acts of unlawful military violence—would imperil, if not destroy, civil liberty. Events compelled us to a manly choice of confronting these dangers in a struggle to save our country from dismemberment, and to vindicate the just rights of the federal Union. Having triumphed in that struggle, now forever closed, we are made sensible of the wise foresight of the founders of our freedom in their warning of the opposite dangers which would attend our success. Those dangers come to us in acts of illegal military violence, committed in times of peace; in the usurpation by the soldiery of a power to decide the membership of our legislative assemblies, whose right to judge exclusively in such cases has ever been guarded with peculiar

jealousy by our race ; in the proposal, made and accepted by our highest civil and military functionaries, to subject our citizens to tribunals in which a military officer will decide, without appeal, what persons, happening to be found in the locality, shall be sent to them for trial ; will appoint the members of the court ; will review and confirm or change the judgment and sentence ; and may order instant executions, and in which the accused will be tried in secret, and without counsel for his defence. This proposition is thus made, and thus sanctioned, notwithstanding that, for similar acts, our English ancestors sent the first Charles to the scaffold and expelled the second James from the throne ; and our own forefathers — exiled by kindred tyrannies, and planting freedom in the wilderness — were careful to insert in our Constitution positive prohibitions against the application to any but military persons of such tribunals.

“Unless such a proposition, so made and so sanctioned, shall be condemned by a public reprobation which shall make it memorable as a warning to all future officers of the State and the army, the decay of the jealous spirit of freedom, the loss of our ancestral traditions of liberty, acquired through ages of conflict and sacrifice, the education of the present generation to servile acquiescence in the maxims and the practices of tyranny, will have realized the fears of Washington and Jay and Clinton and their compatriots.

“New York, first of the Commonwealths of the American Union, in population, in resources, and in military power, should declare her sentiments, on this occasion, with a distinctness, a dignity, and a solemn emphasis, which will command the thoughtful attention of Congress, of her sister States, and of the people of our whole country. With the same unanimity with which she upheld the arms of the Union in the past conflict, she should now address herself to the great and most sacred duty of reestablishing civil liberty and the personal rights of individuals, of restoring the ideas and habits of freedom, and of reasserting the supremacy of the civil authority over the military power throughout the Republic.”

Through the adoption by the Legislature, however, of many of the financial measures recommended in the Governor's

messages, and by a discreet but vigorous exercise of the recently enlarged veto power of the executive, the Governor was fortunate enough to secure a reduction of the State tax, the first year of his administration, about seventeen per cent., and to inaugurate financial policies which led to a considerable further reduction the following year.¹

In the summer of 1875, and after disposing of the business bequeathed to it by the Legislature, the Governor yielded to what seemed a general desire of his friends in the western part of the State that he should make a tour through the canal counties. He left Albany on the 8th of August and went direct to Buffalo, where he had accepted an invitation from the Board of Trade to a public reception on the 10th. In reply to a toast in his honor, he of course referred to what he had been doing during the winter to cheapen canal transportation, in which his audience were specially interested. He next incited them to elect to the Legislature, the following winter, representatives who would coöperate with him in his efforts for canal and administrative reform, by the promise that

"Whereas we this year reduced the taxes from seven and one-half to six mills, next year we will put them down to four and one-half mills. But," he added, "there is something more important, of deeper concern to human society, than these material advantages.

"We have lifted the standard of public and official morality in the country, we have awakened a sense of justice and duty among the people. Gentlemen, the cause will not fail. In the last session it was often betrayed, sometimes defeated, and generally obstructed; but it will go on to a complete triumph. Whoever shall dare to obstruct or oppose it will fall, not to rise again.

"I know there are men of selfish interests who have not yet learned that the old age has gone out, and the new age has come in. [Applause.] There are public men seeking

¹ The reduction in State tax from that of the preceding year was \$2,711,634.

popular favor who still think that the way to success and honor is to combine selfish interests — to pile canal ring upon Tweed ring, and so rule the people of this free State. According to the measure of my ability, I humbly represent the common sense of the people of this State — the farmers, the mechanics, the laborers, the men of business — the moral sense and purpose of the community against its selfish and fraudulent interests. Now, men of Buffalo, I ask you to-day to consider what is to be your part in this work. While about your various callings and industries, you leave the government to take care of itself, and men who mean to make money by plundering you, give their nights and days to study out the methods; they are always at conventions and caucuses; they go to the Legislature, and, while you are reposing in fancied safety, are plotting against your interest and rights. If you will permit me to offer a suggestion, — I do not assume to advise, — I only say that when bad men conspire, good men should combine. [Applause.] And if you will be as earnest, and determined, and persistent, in demanding that the right shall be done, politicians will court your favor, and not the favor of the canal ring, or any other ring. What concern have you by what name a man is called who goes to Albany to misrepresent your interests and duties? Is it any satisfaction to a Republican that that man is called a Republican, or to a Democrat that he is called a Democrat? Does it make any difference what livery he wears to serve the devil in? [Laughter and applause.] I say you have but to assert your rights and they will be respected; and when the parties to which you belong come to make their nominations, if there be on the tickets any one not true to you, you have but to exercise the reserved rights of the American citizen, — to vote for somebody else." [Cheers.]

On his return he was met at the railway station at Syracuse by a large assembly of people, anxious to see him and hear from him, where he availed himself of the occasion to say a few words from the platform of his car, which derived peculiar interest from the circumstances under which they were delivered. Syracuse more than any other place in the State was the headquarters of the canal ring.

It was the residence of both Denison and Belden. After a few introductory words Mr. Tilden said :

"I was called on this morning to speak some words of encouragement and hope to four hundred little boys in the Western House of Refuge. During all my journey I have been frequently followed by persons asking for their friends and for those in whom they were interested, a pardon from the penitentiaries and State prisons. I have been compelled to look into such cases and see who are the inmates of these institutions, and of what they have been accused, to see what it is that constitutes the wrongs to society of which they have been convicted. When I have compared their offences, in their nature, temptations, and circumstances, with the crimes of great public delinquents who claim to stand among your best society, and are confessedly prominent among their fellow-citizens, crimes repeated and continued year after year, I am appalled at the inequality of human justice. [Great applause.] The effort to give you redress has been, for the last three months, derided and scoffed at. We have been told that nothing would come of it; that the people would fail; that their rights would not be maintained; and particularly that these great rich and powerful culprits would prevail, would escape the meshes of the law and the punishment due to their crimes; that their palaces, built with the moneys drawn from the sweat and toil of our honest, industrious, hard-working citizens, would continue to rise like exhalations and shame public morality and public honor.

"Fellow-citizens, I say to you to-night as I said on the 4th of November, 1871, now nearly four years ago, — when I took a share in the great contest in New York city, — in your cause I will 'follow where any shall dare to lead, or lead where any shall dare to follow!' But I will speak a word of encouragement to those who are less hopeful. You can send, if needful, to the legislative bodies, men who will make new and better laws to punish those wrongs and to bring the wrong-doers to justice. If our legislative bodies and public officers fall short of their duty, the people can recall the powers they have delegated — can renovate the administration of justice — until those eyes represented in Roman statuary as blind will be made to see substantial right and genuine law." [Great cheering.]

The Governor left Syracuse about noon of the 12th, and two hours later was in Utica, where he dined with Senator Kernan. He was serenaded in the evening at his hotel, and in response to the calls of the crowd assembled to greet him, made a brief address, mainly upon the themes which were the features of his discourses at Buffalo and Syracuse.¹ The next morning he visited the State lunatic asylum and then left for the capital. At the principal intervening stations — notably Herkimer, Little Falls, St. Johnsville, Fort Plain, Palatine Bridge, Fonda, and Amsterdam — crowds of people were gathered to salute him with bands of music and the firing of cannon. At each of these places he made brief addresses. On reaching Albany he learned that, in anticipation of his return, the Assembly chamber was thronged with people gathered there to welcome him, and in spite of the fatigues of his journey he was obliged to drive directly from the station to the capitol. In response to an address of welcome from Mr. Lansing, ex-Mayor of Albany, and then chairman of the Democratic county committee, he referred briefly to some of the incidents of his excursion; emphasized the importance of the example of New York in the great work of administrative reform, because of her superiority among the States in population and resources, and then excused himself from addressing them at length, saying:

"I have spoken more or less at length in the open air to eleven different assemblages of our citizens within the last twenty-four hours, and find that I am beginning to be hoarse and to speak with some inconvenience. Accept my cordial thanks, not on behalf of myself alone, but for the whole people interested in the cause that has elicited these expressions of approval and respect."

A few weeks previous to his setting out on his Western tour the Governor received the following communication from the trustees of Yale College:

¹ "Writings and Speeches," Vol. II. p. 224.

"YALE COLLEGE,
"NEW HAVEN, CONN., July 5, 1875.

"SIR :

"I have the honor to inform you in an official way that the President and Fellows of this college at the recent public commencement conferred upon you the honorary degree of Doctor of Laws, and in connection with that act enrolled you with the academical graduates of the college in the class of 1837.

"In thus recognizing the eminent public services which have so abundantly deserved the honorable regard of all public-spirited men, the corporation are especially proud to recall the fact that the foundations of your educational training were in part laid here, and to claim you in virtue of this former connection as an alumnus of Yale. . . .

"Very respectfully,

"Your obedient servant,

FRANKLIN B. DEXTER,

"Secretary."

"HIS EXCELLENCY GOVERNOR TILDEN."

The impression made upon the country by the Governor's several communications to the Legislature, and his vacation speeches during the first year of his administration, not only in his own State, but upon the whole country, was extraordinary. No one had achieved so great a national reputation in so short a time ; no one had ever before achieved such supreme authority over his party in the State of New York. In all party questions his opinion was the first to be sought, and his decisions were apt to be final. Even those who had been disaffected by his denunciations hesitated to differ with him openly. He began to be talked of as the successor of President Grant. The talents which he had exhibited as a party leader had already raised him a head and shoulders above any competitor in his own party, while his success as a reformer of administrative abuses seemed to designate him as precisely the sort of chief magistrate then specially needed at Washington.

He inspired the Democratic party of the nation with a confidence and with hopes which for a quarter of a century they had never once dared to indulge; while the Republicans began to experience a corresponding alarm.

Though Mr. Tilden had always been more or less active in politics, he had never shown any inclination for official life; and while encouraging his nomination by the Democrats for Governor, no Republican dreamed that he was planting an acorn from which presidential timber might mature. When, however, the accounts came in of his progress through the State; of the throngs that flocked to see him and hear him wherever he appeared; of the enthusiasm with which every speech he made was received, — the Republican aspirants at Washington called a halt, and signified to their friends in the press that Mr. Tilden was beginning to cast too long a shadow. The "Tribune" said of the Governor's tour the morning after his return to Albany:

"These demonstrations have filled a great many Republican politicians with alarm. Mr. Tilden, they think, is making himself too popular. The party papers have taken the cue. Some of them suppress all mention of the Governor's journey, and destroy their reputation as chroniclers of news by keeping their readers in ignorance, so far as they can, of one of the most suggestive and interesting events of the day. Meanwhile, however, the public goes on cheering and applauding.

"If the Governor is trying to make political capital, we wish all the candidates for the presidency would set about making it in the same manner."

The "New York Express" of the same day said "that the Governor's ovation along the line of the canal had hardly been equalled since the visit of Daniel Webster, twenty-five years since, on the opening of the Erie road. The welcome was a spontaneous recognition of public virtue and private fidelity; and the only thing to regret about it is the fact that the ovation has brought down upon the

Governor the assaults of the boiled-down Republican press of the State."

The "Journal of Commerce" referred to his trip in these terms:

"The people of this State know what the Governor has done to expose and break up the canal ring, and they are deeply grateful for it. It is said that 'gratitude is a lively sense of favors to come;' and the proverb is more than half true when applied to the popular feeling toward Governor Tilden. The people cheer him partly because he is the first governor who has dared to make war on the canal thieves, and has carried on the reform to an important stage; but they applaud him still more because they look upon him as one who may be trusted to continue the fight until a substantial victory is won."

The "New York Nation" said:

"Mr. Tilden has been making a sort of progress through the State, addressing crowds in the towns through which he passed, on the subject of reform. He has spoken very plainly about it, and told his audiences that what was meant by reform is not electing 'straight-out' Democrats nor Jeffersonian Democrats, nor 'rallying,' nor 'wheeling into line,' nor even hurling the corrupt centralizer from power, but the election of honest men of whatever party to do the work of the government. His remarks seem to have struck the assembled multitudes very favorably, and it would appear from their manifestations of approval that this is just the sort of thing they mean by reform themselves."

The "Boston Advertiser" said:

"Governor Tilden is pressing his campaign against the canal robbers with vigor, and winning no little credit for himself by his plainness of speech wherever he can get an opportunity to talk about them. There appears to be an apprehension among Republicans in New York that he will make too much capital out of them. The way to prevent

that is for Republicans, instead of disparaging his efforts in that direction, to join forces with him and make it difficult for any one to get party capital out of the canal question."

The "Louisville Commercial" said:

"Governor Tilden, of New York, is doing so much for reform by his attacks on the canal ring of that State, and by the persistency and shrewd intelligence with which he follows them up, that nothing is to be made for good citizenship by showing that he has been influenced by his political aspirations, to be more dilatory or more diplomatic in some of his proceedings, than his attitude toward the evils to be remedied made exactly the correct thing. He is a good man, of the class we need in politics, and he is proving his worth by his works."

The "Baltimore Gazette" said:

"Governor Tilden's eleven addresses in his tour are worthy of preservation as model political utterances. He is a man who yet believes in principles. With him the platform of his party is not a mere utterance of platitudes, but a solemn profession of faith which he is bound to keep. In not a single word did he forget that he was the chief magistrate of a State—the governor of a whole people. Never partisan, his appeals went to men of every political opinion to stand upon the high plane of the public weal.

"It is a matter of surprise that almost without exception the Republican organs of New York refuse to support the Governor in his efforts for reform—not because they are opposed to corruption, but that they have not the sagacity to see that in the end he will triumph, and that their opposition will prove disastrous to their party."

"Harper's Weekly" said:

"Those who say that the Governor's action is a mere political trick, and that he means nothing, evidently forget that they are speaking of the man who, when he once took hold of the Tweed prosecution, joined in pushing it

relentlessly to the end. The war upon the canal ring is not a party question, and only the merest party spirit would decry it."

The hostiles of the federal administration were in hot pursuit of the Governor. An election of State officers was at hand. Should his party be successful and his reform policy be approved by the people, such result could not be regarded otherwise than as a stern rebuke of the federal administration from the most populous, wealthy, and influential State of the Union. On the other hand, should they fail, the result would disarm the Governor and paralyze the cause of reform. The issue was a grave one for both parties, and gave to the approaching fall election unusual importance.

The "New York Evening Post," commenting upon the situation, said:

"We urged the political conventions of last autumn to speak out boldly about this very question of canal abuses; to direct attention to the bad and extravagant management of our State prisons, or at least not to overlook the important constitutional amendments which were directly before the people. But not one of these subjects was mentioned in either platform. The credit of the present attack on the well-fortified canal ring has, therefore, become largely a personal one; and the question which the honest citizen must ask himself this autumn, when depositing his ballot, is, 'How can I, with my vote, give most assistance to Governor Tilden in perfecting his reformatory labors?' This way of putting the matter will be, of course, very unpleasant to the journals and men who make their party's success their highest object. But the course of the most influential Republican journals in the State is leaving no other question at issue."

It was to arouse the people to a due sense of the importance of this election, and to enlighten them as to the consequences of a reactionary policy, that the Governor had decided to make his progress along the canal in August, and

which decided him to continue to meet the people in different parts of the State from time to time for the purpose of explaining to them the nature and gravity of the issues at stake. Of these later addresses perhaps the most notable in certain respects was pronounced in his native county at the Fair of the Columbia County Agricultural and Horticultural Society, on the 28th of September. I quote his remarks as reported in the daily prints :

"Citizens of the county of Columbia: I have been attracted to this great gathering of the farmers of Columbia county to-day by pleasing recollections, and by the most interesting associations of childhood and of youth. It was in one of the loveliest of your beautiful valleys that my eyes first opened to the light of heaven. In your cemetery, which we passed on our way hither, repose what was mortal of an uncle of my mother, a father by adoption, who, in my early years, I was accustomed to regard as a teacher. Farther off, in your soil, are gathered two or three generations of my ancestors. It was here in the county of Columbia that I learned my first lessons in the great questions that have interested our country from that time until the present. This kinsman to whom I have alluded was taken prisoner in the war of the Revolution, and marched — having been stripped of his clothing and his shoes — to Quebec. Every one, so far as I know, of my forefathers of the military age served in that great struggle; and in my early days I listened intently to their relations of memorable events in the early history of America. It was in their presence, from their teaching, and by their example that I learned to idolize my country as the chosen home of the toiling millions, and looked forward to see it embrace vast communities of prosperous, happy citizens.

"Fellow-citizens, I congratulate myself on having this occasion and this opportunity on which, after an interval of years, to meet you. I do not propose to-day to address you in regard to questions of agriculture. It is true, in my early years I saw much of farming and of farmers; but I know I should not attempt to instruct you on questions of this character, for you know infinitely more about them than I do. I am a descendant of a race of farmers. I am

the first of my family for three hundred years who has not been devoted to the tillage of the soil. It is natural, therefore, that I should feel great interest in this class, and pleasure in this opportunity to exchange friendly greeting.

"In very early years the farming classes in the State of New York were the governing class. They formed seventy-five per cent. of all the voters. It was from them that the great men sprung who then administered the affairs of the State, and through whom it has risen to its present eminent place among the States of the Union. Since that time the State has greatly more than doubled in population, but the farming classes remain in numbers what they were thirty and thirty-five years ago. And yet to-day, except in the single State of Illinois, the farmers of New York are the most numerous and the most powerful of any of the class, in any of the States of the Union. It is for you to assert their rights and to carry forward the great objects of free government in our fortunate and happy country. I am of a race that was taught to believe, and I myself believe, that free institutions, government of the people, by the people, for the people, depends more largely upon the farming class than upon any other. I therefore on this and on all occasions invoke their coöperation for the purpose of preserving and developing our American system.

"Fellow-citizens, if I were to talk to you about the culture in which you are engaged, no doubt I could point out what and who your enemies are. I could point out what agency it is that destroys your crops. I could allude in particular to the potato bug, with which the farmers of this county are particularly familiar. But I have to say to you that there is a bug far worse than the potato bug; a bug that consumes not merely your potato crop, but that consumes every one of your crops, consumes them partly before they are gathered and consumes more after they are gathered — and that is the tax-collector. This little animal appears every year. You may have struggled and toiled, you may have worked in your field and in your workshop, but he eats up your substance at the end of the year. In this country far too much of the net earnings of society, far too much of the fruits of labor, are consumed in carrying on the government: and there ought to be a stricter economy in our affairs, both in the town, in the county, in the State, and in the Union. Within the last ten years

there has been taken from the fruits of industry in the American Union \$7,000,000,000 to carry on the government — \$700,000,000 in each year. Think what a monstrous and appalling amount! Think, fellow-citizens; whatever may be your party affiliations or party opinions, say to me whether there is not a great evil and a great wrong here which every good citizen ought to join hands with all other good citizens to rectify. I am quite aware that a state of things has existed in our country that would naturally create these evils. In the exigencies of war, issues of paper money were supposed to be necessary, and habits and tendencies the reverse of frugality and economy were engendered among the public officers. This is a condition of affairs that requires the considerate, patriotic, firm action of all citizens of all parties, of all classes. There are none more deeply interested in this reform than the farmer. To-day about half of the tax contributed by the farmer goes to the State of New York to carry on public affairs. If, therefore, that amount can be reduced one-half, it will reduce one-quarter what the tax-gatherer claims. If you do not reduce town and county taxes, that is your own fault, because the thing is perfectly within your control. When it comes to State taxes, that is within the power of the Legislature and the executive at Albany. In regard to that, you will have no difficulty whatever if you send there the right men. There will be no difficulty in reducing the State tax one-half within two years, if the farmers only say they desire it and are determined to have it.

"Fellow-citizens, you have the most beautiful climate ever vouchsafed to anybody. You have here a soil capable of producing everything that the human mind can desire. You have a government framed by our wise ancestors to secure to you every blessing possible in human society. It is necessary only for you to see how that government is administered, and to see that when the fruits of industry are gathered for the use of the toilers, that they are not wasted by the prodigality, fraud, or speculation of your public agents. I am sure, without reference to any question which may excite difference among you upon this great duty of enforcing economy and frugality, and of preserving purity in the government everywhere, you will be united as one man. It is not merely a question of what you shall lose or what you shall save. Republican government cannot exist

unless the public agents and servants are pure and honest. It is, then, the very institutions won by our immortal ancestors that are at stake. To reëstablish these upon a firm foundation, to hand them down to your children after you, and when you depart from the world to carry with you a sense that you have performed every obligation and every duty—these great objects should fill your mind with a sense of what you owe to the community, to mankind, and to future generations.”

On the day after this meeting with his old neighbors in Columbia county, the 30th of September, the Governor was a guest at the Central New York Annual Fair, held at Utica. Accompanied by ex-Governor Seymour and United States Senator Kernan, he was escorted to the grounds of the Fair by Young's Independent Cavalry Corps and the Adjutant Bacon Cadets, and was presented to the assembled multitude, numbering, according to the estimate of the contemporary press, “fully twenty-five thousand persons,” by the president of the association. In the course of his speech, which occupied from twenty to thirty minutes, and was mainly devoted to administrative abuses and their remedies, he said :

“I had occasion at the beginning of the legislative session last winter to state to the legislative bodies and to the people that the taxes in the United States for the ten years following the war had been \$7,000,000,000, — \$700,000,000 a year on the average for each of the ten years. Now, I submit to you whether this is not too large a proportion of all you can earn to be appropriated to such purposes. Think of it. Your national debt is but the amount of three years' taxation.

“You have built in the last forty years 76,000 miles of railroad. The nominal amount of their stocks and bonds might be something near \$4,000,000,000, and in actual cost about \$2,500,000,000. The whole of the vast sum expended for these purposes is less than three and one-half years of taxes.

“You are very proud that you are the greatest gold and

silver producing nation of the world. You boast that on your broad areas of fertile soil you raise crops to send abroad, to eke out the supply necessary to feed the populations of the Old World. You send forward your grain, gathered from every part of the United States. You send meat, you send cheese, you send other products of the farm. You send vast quantities of petroleum, and then you have one crop, the most of which is exported, the largest that any nation in the world ever contributes to the exchange of mankind. I mean the cotton crop, which yields from \$200,000,000 to \$280,000,000 a year to foreign exports.

"Now, my fellow-citizens, what is the result? When you have sent forward your gold and your silver, when you have sent forward your petroleum, when you have sent forward your wheat, and your corn, and your cheese, and your meat, and your products of every kind; when you have sent forward your cotton; when you have raked and scraped this continent from the Lakes to the Gulf, from the Atlantic to the remote interior, and paid the cost of carrying them to the seaboard, — a cost often larger than the original cost of raising the products, — what have you done? Why, with every exportable commodity of this continent arrived at our Atlantic ports and delivered into the vessels of foreigners, you have paid only ten months of one year's taxes.

"In a speech which I made seven years ago, I pointed out this condition of things, and I said that while you could pay what you do pay during the swelling of values, out of the froth of apparent and illusory wealth, when prices should come to settle to their ordinary condition, as they were sure to do, and nothing could prevent them from doing, then it would take not merely your earnings, it would take not merely your income, but it would trench upon your capital itself to pay such taxation. And now, gentlemen, while it was then difficult to get an audience, or find willing ears to listen, that change has come. It is upon you. No human contrivance, no act of government, can prevent the reaction that has grown out of a fictitious condition of values. When it disappears and prices recede, then there settles around you, like a dark cloud, this weight of taxation, which you should have foreseen and avoided years ago."

The Governor's faith in his constituents proved not to have been excessive nor misplaced. At the election held on the 2d of November, the State ticket identified with his policy was elected over a coalition of its adversaries by majorities ranging from fifteen to twenty thousand. The moral of this triumph was the more impressive, as New York was the only State at this election in which the Democratic party had made a distinct issue on administrative reform; a distinct issue in favor of a sound currency, including a repeal of the legal tender act, and a distinct issue against third-term candidates for the presidency. It also revealed the numerical weakness of the canal ring, which concentrated all its energies that were available without bolting the ticket, to defeat it.

This triumph of Mr. Tilden's friends gave him a prominence throughout the country enjoyed by no other man in his party. By it all eyes were immediately turned upon him as the natural, the inevitable, candidate of his party for the presidency. He incarnated administrative reform, the great, controlling, pressing need of the country. As Judge Blair expressed it, he seemed to be the only arrow in the Democratic quiver. He was not merely a friend of reform,—he had fought its fight, and won; he had the baptism of fire and blood; he had behind him a State possessing an eighth of the population of the whole Union and more than half its wealth; a stainless reputation, unsurpassed experience as a statesman, and the record of a life largely devoted to the unsalaried service of the public, compromised neither by greed of office nor abuse of power.

He was now in the sixty-second year of his age, five feet ten inches in height; of what physiologists call the purely nervous temperament, with its usual accompaniment of a spare figure, blue eyes, and fair complexion. His hair, originally chestnut, was partially silvered with age. His head was large, and in its shape recalled to the most casual observer the circular form and well-rounded proportions so

much admired in the typical head of the Cæsars. His health, unfortunately, was not as firm as his will. He paid little attention to the monitions of nature, and never allowed them to interfere with his work. It never seemed to occur to him in those days that however intemperately he labored, his strength in reserve would ever be less than at the moment he was drawing upon it. If there be any truth in the old proverb, that a man is his own physician or a fool at forty, Tilden was a fool, for I never met a man of average intelligence who had reached Mr. Tilden's age with a feebler comprehension of human physiology, or of the elementary laws of health.

During the whole of his first winter in Albany he permitted nothing to distract him by day nor long by night from his public cares, and when for social or other reasons his labors were interrupted, which he permitted rarely, his face would pale, his eyes become lustreless, and he would exhibit the expressionless features and exhausted air of a man pining in vain for sleep. He was then, as he had been ever since he came to the bar, if not before, an intemperate tea-bibber, which was the immediate cause of another pernicious habit, that of resuming work immediately after leaving the table. Indeed, his mental strain was only partially interrupted while eating, for his table was constantly frequented by his lieutenants and other public men, who did not permit his mind to be diverted, even at his meals, from his official preoccupations. When remonstrated with for this persistent disregard of his health, his habitual reply was, in substance, "I cannot help it; this work must be done." It was vain to tell him that the pitcher might go once too often to the cistern; that when he had broken down his constitution, and his doctors had sent him to his bed or his grave, this answer would not avail him. Unhappily, it rarely avails any one, so prone are we all to exaggerate our individual importance in operating the machinery of Providence.

As he worked himself and denied himself, he could see no good reason why his clerks and others about him in the government should not work and deny themselves in the same relentless way. He had no more patience with a statesman than with a soldier who paused in a battle to save his life. In the spring of 1875 he became very impatient with what he deemed the dilatoriness of one of the counsel employed in prosecuting the suits then pending in New York against Tweed's confederates, and sent for him to come to Albany to be scolded. The counsel in question, who had been anything but dilatory, waited upon the Governor and ventured to conclude his defence with the unfortunate remark, that he could not afford to neglect his private business entirely. "When you accepted this retainer," said Tilden sharply, "you said you would not permit your private business to interfere with it." The counsel then muttered something deprecatingly about not wishing to appear at the bar as a man with one client or of one idea.

"Sir!" exclaimed the Governor fiercely, "a man who is not a monomaniac is not worth a damn."

Only a day or two before Mr. Bryant was to visit him, in February, 1875, he experienced a cerebral attack which was so near akin to paralysis as to alarm his friends, and to occasion the rumor to be current that he was mentally a wreck. Thurlow Weed said to a Democratic friend the following day, "Did you know that Tilden had broken down? Yes," he added, "broken down deplorably; his mind all gone. His friends are in consternation. He drinks, they say, dreadfully, and neglects his business."

In this way, and through such channels, a temporary illness was erroneously explained and grossly exaggerated, doubtless from partisan motives; but there is little doubt that from this illness, the result of overworking his brain, dated the gradual physical decline which terminated eleven years later with his life.

When the Governor met the Legislature on the 4th of

January, 1876, the financial condition of the country was excessively depressed. The kinds of business that were carried on at a profit were few in number. Labor found scanty employment at reduced wages, and for the first time in our history the unemployed and those who thought their labor inadequately remunerated held public meetings in our larger cities with the view of ameliorating their condition. Many investments had ceased to be productive, and many kinds of property, through shrinkage or loss of circulatory character, had ceased to be available for the payment of debts or as mothers of credit. To account for this state of things, and to point out the mode by which the general paralysis of the business of the country could be remedied, was the most striking feature of Governor Tilden's second annual message. It was an admirable paper; a paper which time has not staled, and which constitutes an enduring chapter in the science of statesmanship. The peculiar advantages which the State of New York possesses among the great political communities of the earth were never better stated than in the three or four of the preliminary paragraphs of this document.¹

"It was early discovered that New York possessed within her territory the natural passes of military operations, which, in the wars for colonial existence and for national independence, cross-tracked our soil with fire and blood. Our territory was also found, on the later development of the national growth, to occupy the natural thoroughfares of travel and traffic. It touches the ocean with a harbor ever open, accessible, and safe, close by whose gates the ocean-currents compel to pass nearly all transatlantic navigation to and from this country. It connects that harbor and the tranquil Hudson on the north with Lake Champlain and the Canadas; and on the west, by a level crossing the bases of the mountain ranges that traverse the continent, with Lake Erie and its chain of great inland seas, bordered by rising commonwealths which are the marvels of modern times.

¹ "Writings and Speeches," Vol. II. p. 238.

"We are, with our fellow-citizens of other States, joint inheritors of a system of government — the selected product of the oldest existing civilization — formed according to the best ideas evolved from human experience, but freed from the overgrowth of habits and interests elsewhere incident to such experience; and planted in the virgin soil of an unoccupied continent, abounding in all the gifts of Nature. Our population, by the census just taken, is near four and three-quarter millions. Our annual product of agriculture is still greater than that of any of our young rivals, whom we contemplate with admiring pride as in part the creations of our policy and the swarming homes of our own children. Our domestic manufactures are larger than those of any other State. Our foreign commerce is once and a half that of all the rest of the Union.

"Common schools, in which are taught a million of youths, and seminaries of higher learning, are training our successors to improve on whatever they can inherit from the present generation. Institutions of charity dispense everywhere their benefactions; and the surface of our whole domain is dotted thickly by edifices whose spires point to heaven.

"If, on this fair picture, there are spots that indicate a recent prevalence of private waste or folly, or that disclose evils or wrongs by government, resulting in much temporary distress, let us remember with humility that we have been in part the authors of what we deplore, or, at least, consenting witnesses; and let us be grateful that we can reform what is amiss, and that to our hands, under God, is committed our own future."

The Governor then proceeds to point out extravagances to be discouraged and economies to be made in various departments of the government, chiefly in the management of the canals.

"In ordinary legislation," he says, "it is stretching the function of the executive veto too far to apply it to every case in which the Governor, if a member of the Senate or Assembly, would vote against a bill. There seems to be a disposition to hold the executive to the extreme of accountability in respect to appropriations. This tendency may be carried so far as to disturb the constitutional

equilibrium of the executive and legislative forces. Not desiring to amplify my official powers, nor disposed to shrink from any just responsibility, the occasion seems fit to invite a frank understanding, to avow my own wish for and to seek from you a cordial coöperation on this subject for the good of our common constituents."

Such are the motives he assigns for setting forth at length his views of the financial condition, prospects, and possibilities of the State, "in plain language divested of the technical terms of complicated accounts."

It was in this delicate way that the Governor sought to convey a gentle warning to the Legislature not to waste its time nor his in concocting predatory schemes which were sure to receive their quietus in the executive chamber.

His strictures upon the past extravagance of the government in its eleemosynary structures are striking, and unhappily time has not yet robbed them of any of their pertinence. After directing attention to four such institutions,—three asylums and one reformatory, then in process of construction, which had already cost the State \$3,319,-547.79, and which would probably cost more than as much again to complete,—he proceeds:

"It might have been supposed that such an extensive provision for the insane as is contemplated in these three institutions (the asylums for the insane) could not become necessary on the instant, and that common prudence would have dictated that one institution should be completed before another was begun. But unfortunately not even the sacred influences of charity could save these works from the spirit of legislative log-rolling, or the rapacity of local expenditure. The policy of beginning everything and finishing nothing has prevailed."

He then adds:

"It is quite clear that an outlay of \$5,000 per inmate, for the purpose of providing shelter for the unfortunate objects of public charity, is unreasonable and extravagant. That would be equal to \$25,000 for five persons, which compose

the average family in this State. How many families of laborious and thrifty producers can afford to live in a house costing \$25,000?

"In 1865 less than one-sixtieth of the houses of this State were of stone, and their value was about \$10,000 each, or \$2,000 for each inmate. Those of brick, which are about one-eighth of the whole number, were valued at \$6,000, or \$1,200 for each inmate. Those of wood, which are three-fourths of the whole number, were valued at \$1,100, or \$220 for each inmate.

"I deny that there is any sound public policy in erecting palaces for criminals, for paupers, or for the insane. A style of architecture simple, and fitted to the nature of its object, would reconcile artistic taste with justice toward the industrious producers, on whom falls the burden of providing for the unfortunate. Waste in such edifices is not only a wrong to the taxpayers, but by just so much it consumes the fund which the State is able to provide for the objects of its charity.

"Nor does the mischief stop with the completion of costly dwellings. The State still has to provide annually for the support of their inmates. By an inevitable association of ideas in men's minds, magnificent homes lead to magnificent current expenditure. The pride of officers and managers, and of local admirers, and the zeal of benevolence, are freely indulged where they are gratified without expense to those who are swayed by them.

"It is to be remembered that, after all, the burden of taxation is chiefly not upon accumulated wealth, but upon the current earnings of the million who carry on their productive industries in frugal homes. They ought not to be the only class disfavored by the policy of the State."¹

The portion of the message of most enduring interest and value, perhaps, relates to the financiering of the federal government. For making systems of taxation and expenditure at Washington the theme of nearly one-half of his address to the State Legislature, his excuse was that New York's own share of the taxes levied by the federal government annually exceeded \$80,000,000; that the federal government

¹ "Writings and Speeches," Vol. II. p. 261.

controlled the currency and banking of the whole country ; was the principal dealer in precious metals ; " regulates " the supply and rates of the loan market, the terms of our foreign exchanges, the prices of exports and imports, the quality of our circulating medium, and in addition to this exerts a natural and powerful ascendancy over public opinion through its peculiar and exclusive means of propagating ideas in sympathy with the methods according to which its own operations are conducted.

The Governor's suggestions for a prompt resumption of specie payments seem as simple now as the discovery of America would appear to one of our accomplished transatlantic skippers, but when promulgated they provoked as much mistrust and flippant criticism as the plan of Columbus for finding a western path to the Indies encountered from the Spanish courtiers, and from much the same class of minds.

" After eleven years of convulsion without a restoration of specie payments, it now claims a restoration of specie payments without a convulsion. The problem does not seem difficult. Resumption by the government will accomplish completely resumption by the banks. The treasury has only, by gradual and prudent measures, to provide for the payment of such portion of the outstanding treasury notes as the public, not wishing to retain for use, will return upon it for redemption. The sum required in coin, if the preparations be wisely conducted so as to secure public confidence, will be what is necessary to replace the fractional currency and to supply such individuals as prefer coin to paper for their little stores of money, and also what is necessary to constitute a central reservoir of reserves against the fluctuations of international balances and for the banks. To amass a sufficient quantity by intercepting from the current of precious metals flowing out of this country, and by acquiring from the stocks which exist abroad without disturbing the equilibrium of foreign money-markets, is a result to be worked out by a study of all the conditions, and the elements to fulfil those conditions, and by the execution of the plan adopted, with practical skill and judgment. Redemption, beyond this provision of coin,

can be effected as other business payments are effected; or in any method which converts investments without interest to investments upon interest, on terms the holder will accept; and by such measures as would keep the aggregate amount of the currency self-adjusting during all the process, without creating, at any time, an artificial scarcity, and without exciting the public imagination with alarm which impairs confidence, contracts the whole large machinery of credit, and disturbs the natural operations of business. The best resource for redemption is that furnished by public economies; for it creates no new charge upon the people; and a stronger public credit is certain to result from sounder finance, and will reduce the annual cost of the national debt.

"These opinions, deduced from reason, are confirmed, in a recent example, by experience. France, in her ten months' contest with Germany, incurred a war expenditure of one thousand million of dollars in specie values; and, in the twenty-eight months following the peace, paid an indemnity of one thousand million of dollars in specie, or its equivalent, to a foreign country. These great operations were carried on without causing a depreciation of the currency beyond two and one-half per cent. at its extreme point, and without disturbing the general business or industry of the people."

But the Governor was not content with providing remedies for the evils from which the people were suffering in their business and industries merely. "They must be broader and deeper," he said.¹

"What is more needed now is, that the public mind be reassured by a wise, safe, and healing policy. The dread of imaginary evils ascribed to the methods assumed to be necessary to restore specie payments is more mischievous than the reality, wisely pursued, ought to be. As soon as the apprehension of an impending fall of values is removed, manufacturing and mechanical industries will start anew; dealers will buy for future consumption; enterprises that commend themselves to the sober judgment of investors will be undertaken; and capital, which now accepts any

¹ "Writings and Speeches," Vol. II. p. 292.

low rate of interest where there is no risk, but is withheld from operations of average character, will be lent on reasonable conditions.

"But the remedies for the evils now felt by the people in their business and industries must extend beyond any measures merely relating to the currency. They must be broader and deeper. They must begin with a prompt and large reduction in governmental expenditures and taxation, which shall leave in the hands that earn it a larger share of the result of labor. They must proceed by withdrawing, as much as possible, governmental interferences that cripple the industries of the people. They must be consummated with an increased efficiency and economy in the conduct of business and in the processes of production, and by a more rigorous frugality in private consumption. A period of self-denial will replace what has been wasted.

"We must build up a new prosperity upon the old foundations of American self-government; carry back our political systems toward the ideals of their authors; make governmental institutions simple, frugal, — meddling little with the private concerns of individuals, aiming at fraternity among ourselves and peace abroad, and trusting to the people to work out their own prosperity and happiness. All the elements of national growth and private felicity exist in our country in an abundance which Providence has vouchsafed to no other people. What we need to do is to rescue them from governmental folly and rapacity."

Again he says :

"When governments take from the people for official expenditure nearly all the surplus earnings of individuals, science and skill in the art of taxation become necessary, — necessary to preserve and enlarge the revenue, necessary to gild the infliction to the taxpayers. Our present situation is that we have more than European burdens, as seen in the most costly governments of the richest of modern nations supporting immense navies and armies and public debts; and to these burdens we have conjoined an ignorance and incompetency in dealing with them, which is peculiarly our own. We have not yet acquired the arts

belonging to a system which the founders of American government warned us against, and fondly believed would never exist in this country.

"The consequence is that the pecuniary sacrifices of the people are not to be measured by the receipts into the treasury. They are vastly greater. A tax that starts in its career by disturbing the natural courses of private industry and impairing the productive power of labor, and then comes to the consumer, distended by profits of successive intermediaries, and by insurance against the risks of a fickle or uncertain governmental policy and of a fluctuating governmental standard of value, — blights human well-being at every step. When it reaches the hapless child of toil, who buys his bread by the single loaf and his fuel by the basket, it devours his earnings and inflicts starvation.

"Another evil of such a system of excessive taxation is, that it creates and nourishes a governmental class, with tendencies to lessen services and to enlarge compensation, to multiply retainers, to invent jobs, and foster all forms of expenditure, — tendencies unrestrained by the watchful eye and firm hand of personal interest, which alone enable private business to be carried on successfully. In other countries such a class has found itself able, sometimes by its own influence and sometimes in alliance with the army, to rule the unorganized masses.

"In our country it has become a great power, acting on the elections by all the methods of organization, of propagating opinion, of influence, and of corruption. The system, like every living thing, struggles to perpetuate its own existence.

"Every useful and necessary governmental service, at a proper cost, is productive labor. Every excess beyond that, so far as it is saved by the official, merely transfers to him what belongs to the people. So far as such excess is consumed, it is a waste of capital, as absolute as if wheat of equal value were destroyed by fire, or gold were sunk in the ocean.

"Probably such waste by governmental expenditure in the eleven years since the war amounts to, at least, as much as our present national debt."¹

¹ "Writings and Speeches," Vol. II. p. 277.

The prominence which Tilden had already acquired as a candidate for the presidency gave a purely political tone to the legislation of this session. Each party was fighting for position. It was with anything but complacency that the presidential aspirants of his own party — among whom Hendricks, of Indiana; Thurman and Allen, of Ohio; Bayard, of Delaware; Hancock, of Pennsylvania; Parker, of New Jersey; and Church, of New York, were conspicuous — witnessed his growing favor with the country.¹ Their

¹ As early as the 26th of May the following article, understood to be from the pen of the late William C. Bryant, appeared in the leading column of the "Evening Post," a Republican print, and reflects very correctly the impression left upon the minds of considerate and dispassionate parties by the conduct of those Democrats who were arrayed against Mr. Tilden :

"The Democratic schism that recently developed opposition to Governor Tilden in his own party in this State is curiously significant of certain things which are worthy of careful study, and especially worthy of consideration by honest and sincere Democrats outside of New York.

"There are two 'wings,' so to speak, in that party, and Governor Tilden represents one of them, while the persons who oppose him constitute the other. It is natural enough that the canal ring and its followers, Tammany and its adherents, and that sort of Democrats who are commonly called Bourbons, should labor to defeat the nomination for high office of the man who represents everything that they oppose, and opposes everything that they represent; but it will be a most discouraging thing to every person who hopes for good at the hands of the Democratic party, and every man in that party who sincerely seeks to make it the instrument of governmental purification and a return to sound principles and honest methods, if such opposition is permitted to prevail in its councils. Governor Tilden represents all that there is in the Democratic party which the people are at all disposed to trust; his opponents represent that which the people just now most earnestly dread, and the development of the opposition in these circumstances affords that party a precious opportunity to strengthen itself and win some of that popular confidence which it badly needs, by placing itself fairly upon the side of the right.

"It will not be easy to close the breach which exists in the Democratic party in this State, for the reason that it is never easy to reconcile an honest desire to do right with a set purpose to do wrong; and it will be difficult to arrange a compromise which shall not seem to be a mere bargain. Governor Tilden has fought manfully for hard money and honest government. It is impossible to mistake his attitude on these questions; and if at this juncture the party yields to the demands of the men in New York who oppose him, it can scarcely hope to escape the reputation of having rejected those principles and written hostility to them upon its banners, whatever clever devices it may hit upon for concealing the fact under formal declarations of doctrine. His name has been put forward too far to be withdrawn now without a practical declaration of hostility to the principles which his name has come to represent.

"The country is asking the question, 'Can we trust the Democratic

discontent was more or less disclosed at the Utica convention at which delegates were chosen to attend the national convention that was to nominate a president at St. Louis on the 26th of June. Relying upon the community of interest and sympathy of the predatory class who had felt the weight of the Governor's heavy hand, they sought to prevent the expression at Utica of a preference for his nomination, so that the delegates might be left free and accessible to such influences as competing candidates might be willing and able to bring to bear upon them. It was unsuccessful, however. The earnest friends of the Governor in the convention were in an irresistible majority, his friends constituted a large majority of the delegation to St. Louis, and to guard against any treachery on the part of the disaffected delegates, the following resolution was adopted :

"The Democratic party of New York renew their fidelity to the principles set forth in their platform adopted in 1874 and 1875, thrice approved at the ballot-boxes of the Empire State, well vindicated in the illustrious administration of Gov. Samuel J. Tilden, and commended anew to their faith and adoption by the endorsement of an increasing majority of their fellow-Democrats of sister States throughout the Union. The Democratic party of New York re-adopt also their resolution adopted in the State conventions of 1864, 1868, and 1872, to wit :

"*Resolved*, That the delegates to the Democratic national convention to be appointed are hereby instructed to enter that convention as a unit, and act and vote as a unit, in

party?' and it will take its answer, very probably, from the temper with which the party in other States shall deal with the schism here. The case is a very peculiar one. There are other Democrats in plenty who believe in the doctrines which this particular Democrat holds to be primary principles, but he has managed to make himself the especial representative and equivalent of those principles in that party, as no other man has. He has put his principles in practice in the most fearless and resolute manner, and has made himself especially obnoxious to their opponents, as the hostility to him, of which we write, clearly shows; and the consequence is that, rightly or wrongly, the country is disposed to regard his acceptance or rejection as the head of the party in the nation as an answer to its question concerning the trustworthiness of Democratic professions of honesty and sincerity."

accordance with the will of a majority of the members thereon; and in case any of its members shall be appointed a delegate thereof by another organization, and should not forthwith in writing decline such appointment, his seat shall be regarded as vacated, and the delegates shall proceed to fill the same; and it is hereby also empowered to supply all vacancies by death, absence, resignation, or otherwise.

"The Democratic party of New York, while committing to their delegates the duty of joining with the delegates of their fellow-Democrats of all the States in the momentous deliberations of the national convention, declare their settled conviction that a return to the constitutional principles, the frugal expenditure, and the administrative purity of the founders of the Republic, the first and most imperious necessity of the times — the commanding issue now before the people of the Union; and they suggest, with respectful deference to their brethren of other States, and with a cordial appreciation of other renowned Democratic statesmen, faithful, like him, to their political principles and public trusts, that the nomination of Samuel J. Tilden to the office of President would ensure the vote of New York, and would be approved throughout the Union, as the recognition of this supreme necessity, the incarnation of this vital issue, the pledge of our high purpose, and the guarantee of a successful achievement of this arduous work of national regeneration and reform."

These resolutions were adopted unanimously, and without a single protest or word of dissent, — a circumstance which disarmed the opponents of Mr. Tilden in the delegation, when they came to declare war upon him at St. Louis.

On the 16th and 17th of May of this year, and only a few weeks before the meeting of the Utica convention, a memorable conference of more or less conspicuous citizens of New York city, most of them Republicans, was held at the Fifth-avenue hotel, for the ostensible purpose of organizing a movement for the purification of the federal government, and to that end preventing, if possible, the nomination of Blaine, Conkling, or Morton, or any of

the political staff of General Grant, for the presidency. The following gentlemen figured conspicuously in this conference :

Theodore Woolsey, who was elected president ; William C. Bryant, Professors Seelye and Sumner, Parke Godwin, Carl Schurz, Horace White, David A. Wells, Peter Cooper, Governor Bullock. In all there were one hundred and seventy persons enrolled among the conferees.

In an address which was adopted by the conference, and which Carl Schurz is generally understood to have written, they thus define the political situation with which they proposed to deal :

" A national election is approaching under circumstances of peculiar significance. Never before in our history has the public mind been so profoundly agitated by an apprehension of the dangers arising from the prevalence of corrupt tendencies and practices in our political life, and never has there been greater reason for it. We will not display here in detail the distressing catalogue of the disclosures which for several years have followed one another in rapid succession, and seem to have left scarcely a single sphere of our political life untouched. The records of courts, of State Legislatures, and of the national Congress speak with terrible plainness, and still they are adding to the scandalous exhibition. Our Republic, but a century old, and just issued from the only great civil conflict we have had to deplore, is so strong in resources and organization that it stands in the foremost rank of the great powers of the earth ; and yet, with all these splendid results on record, it cannot be denied that at no period during the century now behind us, the American people have been less satisfied with themselves ; and that the centennial anniversary of the Declaration of Independence, in so many respects to all Americans a day of sincerest pride and rejoicing, is felt to be in other respects not without self-reproach and humiliation. Of this the corruption revealed in our political life is the cause."

And this is the way the conferees decided to deal with it :

"We therefore declare, and call upon all good citizens to join us in it, that at the coming presidential election we shall support no candidate who, in public position, ever countenanced corrupt practices or combinations, or impeded their exposure and punishment, or opposed necessary measures of reform.

"We shall support no candidate who, while possessing official influence and power, has failed to use his opportunities in exposing and correcting abuses coming within the reach of his observation, but for personal reasons and party ends has permitted them to fester on; for such men may be counted on not to uncover and crush corruption, but for the party's sake ready to conceal it.

"We shall support no candidate, however conspicuous his position or brilliant his ability, in whom the impulses of the party manager have shown themselves predominant over those of the reformer; for he will be inclined to continue that fundamental abuse, the employment of the government service as a machinery for personal or party ends.

"We shall support no candidate who, however favorably judged by his nearest friends, is not publicly known to possess those qualities of mind and character which the stern task of genuine reform requires; for the American people cannot now afford to risk the future of the Republic in experiments on merely supposed virtue or rumored ability to be trusted on the strength of private recommendation.

"In one word, at present *no candidate should be held entitled to the support of patriotic citizens of whom the question may be fairly asked: 'Is he really the man to carry through a thorough-going reform of the government? Can he with certainty be depended upon to possess the moral courage and sturdy resolution to grapple with abuses which have acquired the strength of established custom, and to this end firmly to resist the pressure even of his party friends?'* Whenever there is room for such a question (and doubt as to the answer) the candidate should be considered unfit for this emergency.

.....
"Every American citizen who has the future of the Republic and the national honor sincerely at heart should solemnly resolve that the country must have a President

' whose name is already a watchword of reform ; whose capacity and courage for the work are matters of record rather than of promise ; who will restore the simplicity, independence, and rectitude of the early administrations, and whose life will be a guaranty of his fidelity and fitness ; ' a man at the mere sound of whose name even the most disheartened will take new courage, and all mankind will say : ' The Americans are indeed in earnest to restore the ancient purity of the government. ' "

"The first three paragraphs of this eloquent manifesto," said a member of the conference,¹ "were intended to guard against the nomination of that class of aspirers to the highest office which was aptly represented by Messrs. Blaine, Conkling, and Morton (of Indiana) ; and the remaining paragraphs were expressly written and were understood to cover such mere makeshifts as Messrs. Hayes and Hartranft, one or the other of whom it was feared might be brought forward at the last moment as a compromise, and for the defeat of the friends of reform. I need hardly say that these ringing sentences, as they were read to the conference by Mr. Schurz, were received and adopted in the sense here given them, amid the most tumultuous plaudits and congratulations. Each man, as he heard the sentences, made the applications, and cheered anew."

Hayes, who was thus indirectly denounced by the Fifth-avenue conferees as unfitted for the presidency, and who was a guaranty for no one of the reforms which they made conditions of their support, was, however, nominated by the Republicans at Cincinnati on the 14th of June ; and the convention was organized in the interests of Mr. Blaine, who was by far the most popular name presented to it. Throughout the balloting, seriously smirched as he was by the recent publications of his overtures to jobbery, Blaine continued the leading candidate. Mr. Bristow, who, because of his courageous onslaught upon the whiskey

¹ See letter of Parke Godwin in the "Tribune" of July 22, 1876.

ring, had become the standard-bearer of the reformers, received only at the highest 126 votes out of 756. The adherents of Blaine, Conkling, and Morton were largely in the ascendant, and might at any time have determined the result. But they could not agree in their personal preferences. After seven ballots, at the instance of a prominent politician of Pennsylvania, Mr. Hayes, of Ohio (whose only votes had been those of his own State, and of a few stragglers, sixty-eight in all), received the nomination.

Of these conferees the most significant and important figure, though not the most conspicuous, was our most eminent American poet, William Cullen Bryant, the venerable editor of the "New York Evening Post," and a life-long friend of Tilden. When in 1874 I suggested to him the probability of Tilden's nomination for governor that fall, he promptly said, "I hope he will get the nomination; if he does, I shall vote for him." I have no doubt he did vote for him. Unhappily he did not possess a controlling interest in the paper, his partner, Isaac Henderson, holding an equal interest with himself, which had its influence, no doubt, in preventing the "Evening Post," from openly supporting the candidature of Mr. Tilden. He gave directions, however, that nothing hostile to Mr. Tilden should appear in its columns, a direction which was probably repeated during Mr. Tilden's canvass for the presidency, when the like forbearance was strictly observed in its columns. In view of his well-known respect and esteem for Mr. Tilden, I felt myself justified in addressing him the following letter:

J. BIGELOW TO WILLIAM CULLEN BRYANT.

"ALBANY, Aug. 27, 1876.

"MY DEAR MR. BRYANT:

"It has been one of my dreams for several months that your name should head the Tilden electoral ticket this fall

for the presidency. It has not been practicable for me to see you since the St. Louis convention, and I am now obliged to ask the Governor's secretary, Mr. Newell, to do me the favor to convey to you the expression of my sincere hope that if named as an elector you will not decline.

"You need not be told how gratifying such a nomination would be to Governor Tilden, nor need I recapitulate to you the many obvious reasons why you should desire to oblige his friends, a large proportion of whom are your pupils, with the use of your name.

"The course of the 'Evening Post,' of course, somewhat disappoints me and others who, like me, embarked in this effort at administrative reform for no mere personal ends. To all such it would be an unspeakable satisfaction to know that you would not decline to charge yourself with the duty of taking their vote to Washington and depositing it for the candidates who in their judgment represent the best hope of the country.

"Let me pray that if the convention which is to meet on Wednesday next should desire, you will not pain your friends by refusing them and your country this service.

"I remain, as ever, my dear Mr. Bryant,

"Very sincerely yours,

"JOHN BIGELOW."

To this letter I received by the hand of my messenger the following reply :

"CUMMINGTON, MASS., Aug. 28, 1878.

"MY DEAR MR. BIGELOW :

"Your letter of yesterday, which has just been put into my hands, was an utter surprise to me. There are many reasons why I must decline allowing my name to be placed on the Tilden electoral ticket, some of which you will, I think, understand without my referring to them. Others relate to the character and composition of the two political parties in the field, and to the letters of acceptance written by the two candidates for the presidency. Such as they are, they constrain me with a force which I cannot resist to decline acting on the suggestions made in your letter. It gives me great pain to refuse anything to the friends of a

man whom I esteem and honor as I do Mr. Tilden, whom I know to be so highly accomplished for the most eminent political stations, whose opinions of the proper province and objects of legislation and government have been formed in the same school as my own, and who, so far as he is not obstructed by the party to which he belongs, will, I am sure, act not only with ability and integrity, but with wisdom, in any post to which the voice of his countrymen may call him.

"I am, dear sir,

"Faithfully yours,

"W. C. BRYANT.¹

"HON. JOHN BIGELOW."

¹ In a letter of the same date to a Republican friend who had sought to ascertain whether he would support Hayes, Mr. Bryant gave a more explicit statement of his view of the comparative merits of the candidates in nomination.

"CUMMINGTON, MASS., Aug. 28, 1876.

"TO J. C. DERNY, ESQ. :

"DEAR SIR :

"I do not wonder that many thoughtful persons are undecided as to which candidate they shall support in the coming election of President. Both parties aim at the same ends. Which has the best candidate or which party can be most depended upon to adopt and enforce the necessary measures are the questions which people are asking. If you look only to the candidate, Mr. Tilden is the best, — the most of a statesman, the soundest and most enlarged in opinion, and, I think, of the firmest character. If you look at the parties by which the candidates are brought forward, the Republican party is the most to be relied on — although both parties, judged by the proceedings of their representatives in Congress, are greatly degenerate, and whichever of them obtain the ascendancy, those who look for a complete radical, thorough reform will be disappointed. Some changes will doubtless be made for the better, but those who expect all abuses in the administration of the government to be done away will find their mistake. As to the hard-money question, it seems to me that it is safest with the Republicans. The Democratic party of the West is deeply infected with the inflation heresy. It is now smothered temporarily, but as soon as the election is over it will break out again with violence. The Republican party is most free from its influence. As to the civil-service reform, which both parties profess to desire, Mr. Tilden has not pledged himself to abstain from the vicious practice of turning out indiscriminately all whom he shall find in office in case he is elected. He only promises to look carefully into their characters and qualifications. I infer that all whom he finds in office must go out. Who will answer for him that all whom he appoints will be worthy of their places? Thousands and tens of thousands will flock to Washington for these places, all of them good 'Democrats,' and it will be absolutely astonishing if a large number of those who are appointed do not turn out to be rogues. Hayes, who only promises to send adrift the unworthy, will have an easier task, and leisure to exercise a just discrimination. As to the revenue laws, which are without doubt one cause of the hard times, neither Mr. Tilden nor Mr. Hayes has spoken of any

The tenor of this letter was more of a surprise than a disappointment. That Bryant recognized Mr. Tilden's superior fitness for the presidency I did not doubt. That he should have attached undue importance to the difference in tone of the declarations of the two conventions on the subject of the civil service was the less surprising, as he was not aware that the only faithful and genuine civil service which had been attempted in the whole country up to that time was then on exhibition at Albany under the Governor's auspices and patronage. It became the duty of the Secretary of State to digest the State census of 1875. That officer applied to General Walker, who had been superintendent of the federal census of 1870 and a Republican, to suggest to him the name of some competent person whom he had trained, to take a similar position at Albany. He named Col. C. W. Seaton, also a Republican, who was immediately appointed. An average of about eighty clerks was required to assist him in his work. He was instructed at once by the Secretary of State to prepare a series of tests adapted to the service required and to advertise for candidates. This was done. All the candidates were subjected to the same tests, and from them Mr. Seaton, and he alone, selected his

reform to be made. Perhaps the chance of an enlightened revision of these laws is best in case the Democrats obtain the ascendancy; but how slight the prospect of such a revision is I leave to be inferred from the late proceedings of the Democratic Houses of Representatives. You see, therefore, that when we come to compare the prospect of reform under one of the two parties with that under the other, a man who is slow in forming conclusions might be forgiven for hesitating. Yet the greater number of those dissatisfied Republicans who came to the Fifth-avenue conference, including most of the wisest heads among them, have acquiesced in the nomination of Hayes. The Cincinnati convention did not give them all they wanted, but came so near to it that they thought it the wisest course to be content, and not to separate from the party with which they had hitherto acted. I thought the same thing in regard to the 'Evening Post'; namely, that it would not be well to detach itself from the party which had carried the country through the Civil war until it was forced to do so by the signs of a hopeless degeneracy. There may have been some things in the 'Evening Post' which I have not agreed with altogether, being at so great a distance from it that I could not be expected to influence it in everything; but, in the main, it has treated Mr. Tilden with marked respect.

"Yours truly,

"W. C. BRYANT."

quota of assistants. No candidate was questioned as to his politics, and it subsequently transpired that a large majority were Republicans.

Mr. Bryant lived to see how little the declarations of the Cincinnati convention had to do with a reform of the civil service, and how soon all the desirable patronage of the federal government was employed to defeat the wishes of the people and to place in the presidential chair a candidate they had not elected.¹

It is but just to the memory of Mr. Bryant to say that, though his paper lent a formal support to the Republican candidate, which he could not have prevented, if he would, he did not vote for him.

The Democratic national convention met at St. Louis on the 27th of June. Henry Watterson, of Kentucky, was

¹ Among Mr. Tilden's papers were found some notes dictated by Mr. Tilden to accompany certain extracts from the letters of President Jefferson in which we have a glimpse of some of his views of civil-service reform.

These extracts from Mr. Jefferson's letters do not embrace all the cases in which changes are confessedly necessary.

1. Confidential offices which powerfully affect the action of the chief executive must be filled by persons in cordial harmony.

2. Offices that have been filled in violation of civil-service principles may be changed without violating those principles. Offices conferred on the spoils system, without reference to the competency or fitness of the incumbents, are not required by civil-service principles to remain with the abuses uncorrected.

3. Experience has shown that in all trusts where the abuse is not restrained by the vigilant and firm supervision of the proprietor having an interest in the maintaining of economy, a tendency exists to the useless multiplication of subordinates. Every officer, after a little time, wants a waiter, and by and by that waiter himself wants a waiter. Everybody deposes his duties to an inferior, and withdraws himself into a mere superintendence of the underling.

And then, while subordinates are appointed to oblige members of Congress or other prominent persons, the whole drift is to a creation of more offices.

The distension to which the public service has grown is enormous and incredible. How can these excrescences be lopped off without changing the head?

A glance at the blue-book will amaze any one who is not acquainted with that astonishing record.

elected temporary chairman, and Gen. John A. McClernand, of Illinois, permanent chairman, both earnest friends of Governor Tilden. An informal ballot disclosed such a decided partiality for Mr. Tilden, that he was nominated on the second ballot by the following vote :

Whole vote	738 ²
Necessary for a choice, two-thirds	492
Samuel J. Tilden, of New York	535
Thomas A. Hendricks, of Indiana	60
William Allen, of Ohio	54
Joel Parker, of New Jersey	18
Winfield Scott Hancock, of Pennsylvania	59
Thomas F. Bayard, of Delaware	11
Allen G. Thurman, of Ohio	2

Senator Wallace, chairman of the Pennsylvania delegation, which had recommended Gen. Winfield Scott Hancock, a citizen of their own State, as their candidate for the presidency, then moved that the nomination of Mr. Tilden be made unanimous, observing that, "as the second State of the Union, although we would have preferred one born on our own soil, still she will not slacken one nerve nor weaken one effort for the success of the nominee of this convention; and when the ides of November come, we feel assured that victory will crown our efforts." Indiana seconded Pennsylvania's motion and it was adopted, though the vote of Pennsylvania, when the ides of November came, failed to increase Senator Wallace's fame as a prophet. Mr. Hendricks, who was nominated for Vice-President, was Mr. Tilden's only formidable rival. He was a man of considerable talent; he had made a creditable record as a political leader in Indiana, and might have been a statesman if he had been less of a demagogue. He was more or less infected with all the political heresies of the period and of the section in which he resided. Instead of

leading his people, he was ready to yield to any clamor and foster any delusion that promised him votes. Indiana was a pivotal State. Its vote might, and it seemed not improbable then that it would, decide the fate of the candidates.

His friends assumed, not without justice probably, that he would poll a larger vote in Indiana than any other person that could be nominated. Presuming upon his importance to the party, he aspired to the place at the head of the ticket. He even carried his presumption so far as to have it given out that he would accept no other. It was unfortunate that he did not adhere to this purpose, if he seriously entertained it. It did not quench, but it greatly impaired, the enthusiasm inspired by the prompt and almost unanimous nomination of Mr. Tilden. It detached from the support of the ticket a very considerable number of prominent Republicans, who had lost confidence in the leaders of their own party and inclined to support Mr. Tilden for the presidency, but who were not willing to expose the country to the risks of a government of which, in case of Mr. Tilden's demise, — and his health was far from robust, — Mr. Hendricks would be the head.

"I cannot vote for Hendricks," was the excuse which multitudes of this class gave for going back from following Tilden, and which many journals that had cordially commended and defended him while Governor assigned for opposing his election as President. Even such a decided and uncompromising party organ as the "New York Tribune" had no objection to the ticket except Hendricks and the platform, but chiefly Hendricks. They forced it "reluctantly" into the support of Hayes.

That the platform did not suit the "Tribune" nor any other thick and thin party paper of the Republican denomination is not surprising, for it was the most scathing and unanswerable indictment of the administration, then drawing to its close, that the English alphabet could be made to clothe.

It was by far the most instructive, the most interesting, and on the whole the most important document which has ever issued from any nominating convention in this country. It deserves and will reward the careful study of any future historian who may attempt to tell the story of that portion of our national life that embraced the presidency of General Grant. Its key-note was reform, and expressed Mr. Tilden's view of the duty which an election to the presidency would impose upon him and the work he hoped to accomplish. If not entirely in his own language, it is entitled to be regarded as a faithful forecast of the sort of administration he would have given the country had its choice of candidates been respected.¹

Mr. Tilden received the news of his nomination as though he had long expected nothing else, for it did not in the least divert him from employments than which nothing could be more remote from political conventions or presidential preoccupations. It chanced that James C. Carter, Esq., of the New York bar, was with the Governor in consultation in reference to a suit, to which the latter was a party, when the nomination was made, and Mr. Carter has given the following graphic account of the Governor's bearing during that momentous day :

"In the performance of a professional service for him while he was Governor, in connection with a lawsuit to which he was a party, it became necessary that I should tarry several days at his house in Albany in order to secure his attention during the intervals between his official duties. It was while the St. Louis convention was in session at which he was nominated for the presidency. One would suppose that under such circumstances he could have given his mind to little else than the business in which his personal fortunes were so deeply concerned. But he could not have devoted himself more ardently to recalling and arranging the facts of the complicated transactions out of which this lawsuit grew than he did on the very day

¹ Appendix B.

when he was nominated. Late in the afternoon of that day, after protracted work, he took me upon a long drive with him. In the course of it he did not even allude to the convention, or its doings, although a flight of telegrams had been coming to him. His conversation, animated and incessant, was upon false policies in government, the mischiefs and burdens of over-expenditure, the true principles of taxation, the errors of protective tariffs, etc. One could see that the mere matter of holding the presidential office was little to him; but that the chance of laying his reforming hand upon the multitude of abuses with which, as he supposed, the whole administration of the general government was infested, aroused his enthusiasm, as the prospect of a season of sport would that of a boy. Becoming animated with his theme, eloquent and intense in his language, he failed in attention to the high-spirited horse he was driving, and I was in constant fear of a catastrophe. Indeed, on a similar drive the succeeding day we met with one from the same cause. The injury was inflicted instead of received, and cost the Governor several thousand dollars by way of damages. When, on our return, on the day first mentioned, we were near home, I observed to him that he would perhaps find at the house a telegram announcing his nomination. "No," said he, unconcernedly, "not until about half-past nine." It came not many moments from that time. Impressed upon this occasion with his profound and extensive knowledge of everything relating to the science of government, and thinking his views not substantially at variance with those held by leading Republicans, — for at that time the Republican party had not become committed to its present dogmas on the subject of protective tariffs, — I ventured to express to him the surprise I felt that he had not allied himself to that party; saying that it seemed to me that, considering the greatly superior number of men of education and public spirit to be found in its ranks, he could much more easily procure a general acceptance of his opinions by acting in alliance with them. He answered that he thought that I was mistaken; that, while it was true that a large majority of men of culture, wealth, and force were to be found in the Republican party, the trouble was that, to use his own language, 'it was a party of self-seekers.' He explained that he did not mean this in any offensive sense; that what he meant was

that the controlling men of that party were men of large pecuniary interests, seeking to build up fortunes and families; that these personal interests were so large as necessarily to engross their thoughts and control their opinions, leading them to use their powerful influence so as to shape the legislation of the country in a form which would favor those interests; that it was difficult to lead such men along the pathway of those fundamental principles of Democratic government by which alone equal justice could be done to the masses of men; that the Democratic party held within its ranks a far less number of men of this description,—not enough to control its action,—and consequently the opinions of its great masses could be more easily shaped and moulded by the mere force of ideas; that this was the distinction between the former Democratic and Whig parties, and that the Republican party would, as the patriotic inspirations caught from the opposition to slavery and the defence of the Union died away, become the mere successor to the spirit and policy of the Whig party.

"These observations," adds Mr. Carter, "as applied to the two present parties of the country, would not, probably, be accepted without dissent; but they intimate a most important truth. That is, that when a man comes to be the possessor of large property interests, these will, whatever may be his character, control his opinions in relation to any question affecting them. The great railroad interests of the country are conducted by men, I suppose, of as honorable character as can be found in any walk of life; but they will not, in the face of threatened disaster, keep the agreements they make with each other. They do not hesitate, when these interests are threatened by adverse legislation, to defend them by secret arts and practices—kept secret because they could not be avowed without a blush. Mr. Jay Gould, in some testimony drawn from him by a legislative committee, expressed the truth by saying that he was 'sometimes a Democrat and sometimes a Republican, but always an Erie man.' It must be admitted that the occasions are often fearfully trying. They sometimes impose a test which human nature is ill fitted to bear. The individual who is subjected to them is called upon to defend, not only his own property, but that of others. A man may surrender his own interests, but what account is he to give

of himself when he surrenders interests which have been intrusted to him for defence?"¹

In the evening of the day of Mr. Tilden's nomination, the citizens of Albany flocked to the executive mansion, escorted by the Jackson Corps, to offer their congratulations and a serenade. In the course of it he stepped out upon the porch and said :

"I cordially thank you for this manifestation of your kindness. I do not forget that last year you enrolled me among you as an honorary member. *I regard with satisfaction and pride your excellent discipline and training as a military body. I recognize in you many representatives of the workingmen of Albany, and when I say workingmen, I don't forget that in our country the number who live on the income of what they have accumulated or inherited is extremely small, and that nearly every citizen of our vast Republic lives on the product of his daily toil. In America we are nearly all workingmen, and therefore the interest and prosperity of that class may almost be said to be the interest and prosperity of the country. [Applause.] No country which the sun ever shone on has had so many blessings as our own; stretching from the Atlantic to the Pacific, and from the Great Lakes of the North to the Gulf of Mexico, with a genial climate and fertile soils, with every natural and artificial facility for travel and transportation, with all the arts and industries of an old civilization, planting and flourishing amid the boundless natural wealth of a virgin continent, we ought to be to-day the most prosperous, the most happy and contented people in the world. But what is our actual condition? All business depressed, every industry languishing, labor without employment, and the wolf at the door of nearly every home in the land, gaunt and hungry. [Applause.]

"What is the matter? We know that for the last eleven years, since the peace, the earnings of labor and the income of capital have been consumed or wasted in government expenditures. The taxes drawn from the people of the United States have been larger than the entire net savings

¹ "Atlantic Monthly Magazine," October, 1892.

of the whole 44,000,000. Taxes have increased within a short period fourfold, and the influence is felt in every business and every industry, and in every home throughout our broad land. What next do we find? In the public administration everywhere abuses, peculations, frauds, and corruption, till we are almost becoming ashamed of the institutions of our country, and instead of holding them up as examples for the imitation of the oppressed people of other countries, we are confessing them as a scandal in the eyes of mankind. What else do we find? We find that the office-holding class have become so numerous, powerful, and unscrupulous, that they assume to control the elections, and, if the people are indifferent, or at all equally divided, are able to exert a corrupt influence, sufficient to perpetuate their own power. At least we are reaching the worst condition of the countries of the Old World. The government no longer exists for the people. The people exist for the government. Our centennial products are the evils, license, and wrongs to escape which our ancestors abandoned their homes in the Old World and planted themselves in a wilderness. Now, I ask, what is the remedy for these public evils, for this private distress, for this disorder in business which carries suffering into every household? [A voice in the crowd — 'The election of Tilden.'] [Applause.] It is comprised in one word, — reform. The reform of the public administration. [Cheers.] Upon this subject there is a difference of opinion. One class says, elect the nominees of the party under which these evils have grown up, by means of the office-holding class, which is interested in perpetuating these abuses and wrongs. That is one opinion. There is another opinion, and that opinion demands a change, — a change of men for the sake of reform in the administration. Fellow-citizens, I do not intend to argue the question. I intend to simply state it, and leave it to your judgment and to the judgment of the people. I am heartily with you in sympathy and action. I am happy to meet you to-night. I trust I shall have an opportunity of seeing you hereafter again. Thanking you for your kind attention, I bid you good-evening."

The nomination was popular with the country and had few if any irreconcilable enemies except among the predatory

class, who, if he should be elected, were sure to be brought to judgment. There was a universal feeling that, of all our public men, he was the only one who had given unequivocal evidence of the ability and the disposition to cope with the enemies of our national household. Party ties and the nomination of Hendricks prevented a more general public expression of this feeling on the part of the Republican press, though they did not suppress ample recognition of the peculiar significance of his nomination.

The committee appointed by the convention to notify Governor Tilden of his nomination waited upon him at his residence in Gramercy park, on the 11th of July, for that purpose. In his reply the Governor said he should at his early convenience send the committee a formal acceptance of the nomination, but, without anticipating any topic that might be appropriate to that communication, permitted himself to say that his nomination was not a mere personal preference between citizens and statesmen, who might very well have been chosen for so distinguished an honor and for so august a duty, but rather a declaration of the convention in favor of administrative reform with which events had associated him in the public mind. He then added with singular felicity:

"I am not without experience of the difficulty of the labor of effecting administrative reform when it requires a revolution in politics and in measures long established in government. If I were to judge by the year and a half during which I have been in the State government, I should say that the routine duties of the trust I have had imposed upon me are a small burden compared with that created by the attempt to change the practice of the government of which I have been the executive head. Especially is this so where the reform is to be worked out with more or less coöperation of public officers who either have been tainted with the evils to be redressed, or who have been incapacitated, by the habit of tolerating the wrongs to be corrected and to which they have been

consenting witnesses. Therefore, if your choice should be ratified by the people at the election, I should enter upon the great duties which would be assigned to me, not as a holiday recreation, but very much in that spirit of consecration in which a soldier enters battle."¹

In consequence of the lingering illness of his elder brother, which proved fatal, and the pressure of official duties, the Governor's letter formally accepting his nomination for the presidency did not appear until the 31st of July. With the views he saw fit to set forth in it the reader is already familiar. It concluded as follows:

"Educated in the belief that it is the first duty of a citizen of the Republic to take his fair allotment of care and trouble in public affairs, I have, for forty years, as a private citizen, fulfilled that duty. Though occupied in an unusual degree during all that period with the concerns of government, I have never acquired the habit of official life. When, a year and a half ago, I entered upon my present trust, it was in order to consummate reforms to which I had already devoted several of the best years of my life. Knowing as I do, therefore, from fresh experience, how great the difference is between gliding through an official routine and working out a reform of systems and policies, it is impossible for me to contemplate what needs to be done in the federal administration without an anxious sense of the difficulties of the undertaking. If summoned by the suffrages of my countrymen to attempt this work, I shall endeavor, with God's help, to be the efficient instrument of their will."²

¹ "Writings and Speeches," Vol. II. p. 358.

² "Writings and Speeches," Vol. II. p. 373.

SUPPLEMENT

NOTES ON THE ORIGIN OF THE TILDEN
NAME AND FAMILY

BY

SAMUEL J. TILDEN.

S U P P L E M E N T

NOTES ON THE ORIGIN OF THE TILDEN NAME AND FAMILY.

THIS paper is the fruit, partly of a collection formed by throwing into a drawer during many years, almost without plan or definite purpose, memoranda of particular facts which came casually to the collector, and partly by special investigations caused by him at intervals.

These materials have now been examined and collated during the leisure moments of a few weeks, under a sense that this work could only be done with the aid of a memory supplying the connections between the scattered materials, and that the information might be of interest — perhaps of utility — to the younger members of the family.

A knowledge of one's descent from a line of virtuous, honorable, and reputable ancestors who performed worthily their part in their day and generation, and who enjoyed the esteem of their contemporaries, is an incentive to emulate their example.

That a heredity in mental and moral as well as in physical capacities and qualities exists, at least as a tendency, has been recognized in all ages, although the laws by which it is governed have never been ascertained.

"How blest is he who his progenitors
 With pride remembers, to the listener tells
 * The story of their greatness, of their deeds,
 And silently rejoicing, sees himself
 The latest link of this illustrious chain.
 For seldom does the self-same stock produce
 The monster and the demi-god; a line
 Of good or evil ushers in at last
 The glory or the terror of the world."¹

On the large map of the county of Kent in England, published by the government, on a scale of one inch to the mile, from what is called the Ordnance Survey, the name of Tilden appears in four places. On the sheets, which show the parishes and every enclosure, drawn on a scale of 25.3 inches to the mile, the name of Tilden appears five times: in the parish of Marden, Tilden and Little Tilden; in the parish of Headcorn, Tilden and Little Tilden; in the parish of Benenden, Tilden.

In a "Table of Ancient Denes, and the Parishes in which they were situated," appended to "A History of the Weald of Kent, by Robert Furley," Tildene is stated as being in the parish of Smarden, in addition to five other denes bearing that name which appear upon the parish sheets. The five places shown on the parish sheets are farmsteads containing houses and buildings, gardens and orchards, as well as arable lands.

They are all situated in what is called the Weald of Kent, which was, as the name — of German origin — imports, woods.

The names of most of the places within the southern part of the Weald terminate in den or dene.

The Rev. Isaac Taylor, in his "Words and Places," makes the following statement:

"The vast tract in Kent and Sussex, which is now called the Weald, is the remains of a Saxon forest called the

¹ Goethe's "Iphigenia."

Andredesleah, which, with a breadth of thirty miles, stretched for one hundred and twenty miles along the northern frontier of the kingdom of the South Saxons. In the district of the Weald almost every local name for miles and miles terminates in *hurst*, *ley*, *den*, or *field*. The *hursts* and *charts* were the denser portions of the forest; the *leys* were the open forest glades where the cattle love to lie; the *dens* were the deep wooded valleys; and the *fields* were little patches of felled or cleared lands in the midst of the surrounding forest."

In a note he adds :

"The surnames Hayward and Howard are corruptions of hogwarden, an officer selected annually to see that the swine in the common forest pastures or *dens* were duly provided with rings, and were prevented from straying. The Howard family first comes into notice in the Weald where their name would lead us to expect to find them."

"*Den* is probably a Celtic word adopted by the Saxons," says Mr. Taylor. He cites Kemble's Saxons, Vol. I. p. 481.

"The names of places ending in *den* (neut.) always denoted *cubile ferarum*, or pasture, usually for swine. *Denn*, a valley (fem.), a British and not a Saxon word.

"While our Anglo-Saxon forefathers were consumers of wheat, they depended very materially for subsistence upon the herds of oxen, sheep, and especially swine, which they could feed upon the unenclosed meadows, or in the wealds of oak and beech which covered the large proportion of the land. From the moment, in short, when we first learn anything of their domestic condition, all the German tribes appear to be settled upon arable land, surrounded with forest pastures, and having some kind of property in both." (Kemble, Vol. I. p. 38.)

Mr. Morgan, in his "England under the Norman Occupation," says :

". . . In the Kentish Domesday we meet with large and small dens, halves and third parts of dens, one den of

five swine, five dens of fifty swine. . . . Denbera in the charters are defined to be places supplying food for hogs, but some of the Kentish dens were arable."

The number of denes in the Weald before the Norman Conquest is stated by Furley to have exceeded four hundred.

The historian of the Weald quotes from a *Quo Warranto* Roll, 3d of Edward II. (1309), in an action brought by the Archbishop of Canterbury against his tenants for cutting down in various denes oaks and beeches to half of the proceeds of which he was entitled.

Among the list of aggressions was the felling of "two hundred and fifty oaks in Meredenne, in the denes of Haythurst and Teldenne." (Vol. II. part 1, p. 202.)

A late authority contains the following :

"This surname is variously spelt in the old records Telden, Tilden, Tillden, and Tylden, and I have not seen it once in any other form. The name is undoubtedly one and the same, and the variation due solely to the different tastes or whims of those who wrote it, as there was no standard of orthography at that period. In one document the same writer had written the name in each of the last three ways, and the same individual sometimes signed his name Tilden and sometimes Tylden. Down to the seventeenth century the form of Tylden was almost invariably used, and after that almost as invariably that of Tilden. The modern family at Milsted, in Kent, who took rank among the gentry, persisted, as they had the undoubted right to do, in using the antique form of Tylden, but it is not unreasonable to presume that this may have been done to separate themselves as widely as possible from other branches of the family which had not risen to the same social eminence. The name is peculiar to the county of Kent, and is undoubtedly derived from those smaller subdivisions of territory that appear to exist only in what is known as the Weald of Kent, called *dens*. The *Saxon* word *den* is equivalent to the modern *dale* or *dell*. The entire Weald of Kent is one vast dale or dell, and in one portion of it in particular there are numerous smaller dales which from time immemorial have borne names ending in *den*, which names were also given to the

towns and villages in the neighborhood. Thus Tenterden, Biddenden, Benenden, Rolvenden, Marden, Smarden, etc., are all towns or villages lying together within a very small diameter, and the termination *den* seldom if ever occurs in the names of towns in any other part of the county of Kent. That one of these dales or dells bore the name of Tilden from an early period is abundantly proved. One Simon Tilden, of Benenden, by his will, dated Oct. 10, 1463, bequeathed his 'land called Heghefeld next the upper den of Tilden,' and John Tilden, of Marden, by his will, dated April 1, 1492, bequeathed sundry lands in Marden on the den of Tilden. This subdivision known by the name of Tilden had therefore existed long before the period of the adoption of surnames, and it is but fair to presume that the immediate occupants of the den of Tilden, before known only by their Christian name, — as John or Thomas, of Tilden, — at the proper time adopted their territorial designation as a patronymic. This custom prevailed throughout England. The original Washington, for instance, was simply John or Henry *de* Wessington, while their successors, dropping the *de* and modifying the orthography, became Washingtons. This subdivision known as Tilden still practically exists, and will be found upon the latest Ordnance map of England, and it is here, without much if any doubt, that the families bearing the name of Tilden had their origin. In proof of this I may state that *all* the early Tilden wills, both at the principal Registry of Probate in London and the local registry at Canterbury, the earliest bearing the date 1463, are those of persons residing in this precise neighborhood, while the later ones are those of their undoubted descendants." (From a letter of Joseph Lemuel Chester, dated London, Oct. 9, 1873.)

William Berry, clerk to the Register of the College at Arms, was the author of the "Encyclopedia Heraldica," said to be "the best modern dictionary of heraldry," and also of many volumes containing the pedigrees of prominent families in several counties, and among them the county of Kent.

In the volume relating to Kent, published in 1830, he made the following statement:

"William Tylden paid aid for lands in Kent, at the making the Black Prince a knight, 20th Edward III., which was in 1346.

He also stated that from this William Tylden was descended William Tylden, of Wormshill, who died 23d of December, 1613, and from him gave the succession down to the Milsted family in 1829.

His account proceeds :

"The Tyldens are a very ancient family in this county. . . . One of the Tenterden family went to America with the Pilgrims, and has founded a numerous family of the name in that country, but they spell their name with an 'i' instead of a 'y.'

"In the beginning of the reign of Queen Elizabeth, William Tylden was settled at Wormshill, in this county, and from several remarks and notes in very old books it appears that his brother was the clergyman of Brenchley, and there are memorials of the Tyldens in the churchyard; therefore it is presumed that place was the original property of the family, and two farms in the adjoining parish of Marden are now called Great and Little Tilden."

Hasted, in his "History of Kent," published in 1797, says :

"The family of Tylden, one of great antiquity, has been seated in Kent for several centuries. . . . The family anciently possessed lands in the parishes of Brenchley, Otterden, Kennington, and Tilmanstone."

He also says :

"THE LIBERTY OF THE CORPORATION OF MAIDSTONE claims over the manor of TILDENS, which is situated near Style bridge, where there is likewise an estate called Little Tildens, which in 1675 belonged to Thomas Wall, gentleman, of London." (Vol. III. p. 60.)

Hasted also mentioned other parishes in which the Tyldens held lands, as do other early histories of Kent.

Says Sir John Maxwell Tylden :

"The Tyldens had anciently large possessions in Brenchley, Otterden, Kensington, Tilmonden, Great Chart, Tenterden, Bedenden, Marden, Chart Place, Eltham, Rodmosham, Terry Hill, and Wye.

"A branch of this family went from Tenterden to Sussex in the early part of the seventeenth century. Another branch emigrated to America (from Tenterden), where there exist many of their descendants. The principal of the American branch (this was Nathaniel) was cousin to Richard Tylden, who died May 3, 1659."

In the principal Registry of Probate in London, or the local registry at Canterbury, one hundred and fourteen wills of members of the Tilden family are recorded.

These wills show that members of the family held lands in many places in the county of Kent.

The first will of which there is a record is that of John Tylden, Sr., of Crotehole, parish of Benenden, county of Kent, dated 12th of September, 1463.

Most of the wills for the thirty years following describe the testator as of Benenden, which is one of the few places in the Weald of Kent that were mentioned in the Domesday Book.

The first will in which the testator is described as of Marden is dated 27th October, 1477.

The den of Tilden in Marden is mentioned in a lawsuit in 1309, the record of which still exists. "Great Tylden, near Marden, South Kent, England," is spoken of by Sir John Maxwell Tylden, of Milsted Manor, as a large estate, the principal proprietor of which was a man of large means. "Old Kent of Maryland," by Hanson, page 302.

An estate bore the name of Little Tilden in 1675. It continued to bear that name in 1797, when Hasted's history was published. It continued to bear that name in 1878.

The following advertisement, cut from a local newspaper, was sent to me under date of the 30th of January, 1878 :

" Little Tilden Farm to let, with immediate possession, and Rent Free to Lady Day. It is situate about $2\frac{1}{2}$ miles from Marden Railway Station, and comprises a good Farm, House, buildings, and about 68 acres of land, of which 49 acres are arable, 10 pasture, 6 hops and fruit, and 3 acres underwood."

Both Great Tilden and Little Tilden appear on the Ordnance map as being in the parish of Marden.

It will thus be seen that one or more estates in this locality, bearing the name of Tilden, has maintained its name for a period of nearly six hundred years.

The Tyldens of Milsted are and long have been a family of great respectability. Many members of it have been in the church, and many in the army. One of them, a cousin of Sir John Maxwell Tylden and of Gen. William Burton Tylden, was lieutenant-general and colonel of the Royal Artillery.

Sir John Maxwell Tylden served twenty years in the British army with distinction, and became lieutenant-colonel of the famous Fifty-second Regiment of the line.

Gen. William Burton Tylden commanded the Royal Engineers at Dover, at Corfu, and at Malta; and on the breaking out of the Crimean war he was selected to command the Royal Engineers on the expedition. He had his horse shot under him at the battle of the Alma, and died from cholera two days after the battle. He was made a Knight of the Order of the Bath, but the order appointing him did not reach the army till after his death; and his widow, now Lady Tylden, was raised to the same rank as if her husband had survived to be made a K.C.B. His eldest son, Richard, also entered the Royal Engineers. He was born in 1819, and died July 28, 1855. He served with distinction in the Kaffir war in 1852, at the Cape of Good

Hope, for which he received a brevet lieutenant-colonelcy. He was engaged in the Crimean war, and had charge of the right attack of the English at Sebastopol. On account of his services he was made A.D.C. to the queen, which carries with it the rank of full colonel. He was shot through both legs while superintending his work in the trenches, and died at Malta on the voyage home to England.

William, the nephew of this Richard, and grandson of Gen. William Burton Tylden, born in 1854, is a captain in the Royal Artillery.

Richard, a nephew of Gen. William Burton Tylden, a promising young officer, born May, 1858, was also captain in the Royal Artillery, and was killed by the fall of his horse when hunting, on Nov. 28, 1885.

Sir John Maxwell Tylden, of Milsted, had in his possession a copy of an ancient pedigree which began with a Sir Richard Tylden who lived in the reigns of Henry II. and Richard I., of England, a period which extended from 1154 to 1189, and whose armorial bearings are said to show that his ancestors had intermarried with the family of Fitzhugh Baron Lord of Milpos, and nephew of Hugh Lupus first Norman Earl of Chester, who was from Avranches in Normandy, and was a nephew of William the Conqueror.

This portion of the Tylden pedigree was said to have been obtained from the records and manuscript papers of the late Sir John Cotgreave, Knight, etc., in which were found pedigrees of the Cotgreave, Gamul, and Cooper de Elton families, compiled by William Camden in 1596, and drawn out by Randle Holm in 1670.

A copy of this paper is annexed, marked "Appendix No. 1."

The authors to whom this paper was ascribed were very celebrated antiquarians. The paper may pass for what it is worth. For my part, I am not ambitious to trace my

ancestry to the ruffian and robber chivalry of Normandy. It is more consonant with my principles and my tastes to prefer to deduce my lineage from the yeomanry of Saxon Kent, who preserved their free customs and their liberal-landed tenures, rejecting primogeniture, and maintaining equality of inheritance among all the children, — and caused their institutions to be respected by the victorious Normans after their occupation of England.

It is a line of ancestors who, during centuries of conflict, have in every instance been on the side of the largest liberty, and have borne their full share in the struggles, the perils, and the sacrifices through which free institutions have been established.

John Tylden, Sr., of Benenden, the progenitor of Nathaniel Tilden, the emigrant from Tenterden to Scituate, must have been born soon after the year 1400. His will is dated 12th September, 1463, at which time he had three sons and two daughters. Two of the sons were old enough to be made executors. From 1400 to the present time, — a period of nearly five hundred years, — the line of the family can be traced by authentic records.

A table containing the descents from John Tilden, who lived soon after 1400, to Nathaniel Tilden, the emigrant, is annexed, marked "Appendix No. 2."

On Saturday, July 31, 1880, the Kent Archæological Society made an excursion, the termination of which was in the vicinity of Tenterden.

Mr. Robert Furley, a very distinguished antiquarian, read a paper on "The Early History of Tenterden," which is annexed, marked "Appendix No. 3."

The following is an extract from that paper :

"Mr. Furley, in closing his paper, made some reference to the Skeets family, who were influential clothiers in Tenterden during the seventeenth century, and carried on business at West Cross for three generations. James Skeets was mayor of Tenterden in 1643, and on two other

occasions. There are entries in old waste books, showing the extent of the business he carried on. The factory business was not then known, and the making of cloth was a domestic employment. John Tylden was another influential clothier at that time in Tenterden, and carried on business as you enter the town from Cranbrook. The cloth made was despatched to London and to the neighboring fairs. Most of the leading clothiers were also graziers. The Skeetses held Morgue under the Colepeppers. The leading shopkeeper at this time was Susan Butler. She was a general dealer, and had a well-stocked shop. By the end of the eighteenth century the manufacture of iron and cloth in the Weald had ceased. The former trade was transferred to Merthyr Tydvil, Aberdare, etc., and the latter to Leeds and Bradford. The inhabitants of the Weald were amongst the earliest and foremost to expose the errors of the Romish church, and with the aid of the Flemish clothiers they fostered the Reformation. Zeal sometimes carried them beyond discretion, for amongst the prominent leaders of Wat Tyler's rebellion were men from Tenterden and Smallhythe. Richard Owen, of Tenterden, was one of those excepted from the general pardon, and, as might be expected, this district supplied its full quota of the followers of Jack Cade. Mr. Furley, in ending his sketch of Tenterden in bygone times, added a hope that modern Tenterden might be prosperous and its inhabitants happy."

It happens that an official registry exists of the migration of Nathaniel Tilden with his family. By a regulation, ascribed to Archbishop Laud, which existed at that time, no emigrant was allowed to sail until he presented a certificate of conformity, and that he had taken the oath of allegiance and supremacy.

The "History of Sandwich in Kent," by William Boys, contains, on page 750, the following paper:

"A list or register of all such persons as embarked themselves in the good ship called the Hercules of Sandwich of the Burthen of 200 tons, John Witherly, master, and therein transported from Sandwich to the plantation called

New England in America ; with the certificate from the ministers where they last dwelt, of their conversation, and conformity to the orders and discipline of the church, and that they had taken the oath of allegiance and supremacy."

The first name on the list is Nathaniel Tilden. The entry is as follows :

		Children.	Servants.
From Mr. Jno. Gee, vicar of Tenterden, 26 Feb. 1634. Jno. Austin, Mayor of Tenterden, and Tagift Stace Jurat 4 March, 1634.	Nathaniel Tilden, of Tenterden, Yeoman, and Lydia his wife.	Seven by name.	Seven by name.

It appears that the father of Nathaniel Tilden was of the Puritans, from his naming one of his sons Hopestill and another Freegift.

Nathaniel was a man of property and prominence. He had been Mayor of Tenterden in 1622. His uncle John, who had been for a long time one of the jurats, and passed by the designation of the Ancient Jurat, had been Mayor of Tenterden in 1585, and again in 1600.

His cousin John, son of the Ancient Jurat, succeeded Nathaniel as Mayor of Tenterden in 1623-4.

Thomas, his father, had also been one of the jurats. His brother Hopestill had been a jurat of Sandwich.

Nathaniel Tilden, during the year of his arrival in Scituate, was chosen to be ruling elder of the first church, which in those days was a great dignity. He was a wealthy man. He owned land in Scituate and in Marshfield. The earliest record of a conveyance of land in Scituate, dated 1628, was from Henry Merritt to Nathaniel Tilden, and one of its boundaries was on land previously owned by Nathaniel Tilden.

Deane's "History of Scituate" and other early histories say that Nathaniel Tilden must have been in New England prior to 1628, in order to have acquired lands in Scituate before that date; but it is possible that those lands may have been acquired through his brother Thomas, or his friend Hatherly, both of whom came in the "Ann" in 1623. Baylies' "History of New Plymouth," on Vol. I. p. 260, says: "On a division of lands on the Plymouth settlement, made in 1623, Thomas Tilden was allotted shares for three persons."

The will of Nathaniel Tilden shows, at the time of his death, in 1641, he still owned his stone house, with lands in Tenterden. He brought with him seven servants.

Deane's "History of Scituate" says: "The inventory of his estate in the colony records shows that he belonged to the wealthiest class of early settlers."

The Thomas Tilden who came to Scituate in the "Ann," in 1623, was probably the oldest brother of Nathaniel, but whether he returned to England, or what became of him, is unknown.

Nathaniel's brother Joseph, two years younger than himself, was one of the merchant adventurers of London, who associated themselves, fitted out the "Mayflower," and furnished the capital to maintain the infant settlement.

Timothy Hatherly, who first came to New England with Thomas Tilden, in the "Ann," in 1623, was another of the merchant adventurers. He must be considered as the real founder of Scituate. He was an assistant from 1634 to 1655, with the exception of the year 1638, when he declined. He was again an assistant from 1656 to 1658, when he was left out for his leniency towards the Quakers. He was also treasurer of the colony in 1640; also a commissioner of the united colonies in 1645, 1646, and 1650.

After Nathaniel's death Hatherly married the widow. Having no children of his own, Deane's "History of Scituate" says, "He made a bountiful provision for the children

of Nathaniel Tilden before his decease, by deeds of gift. He left the residue of his estate to Dea. Joseph Tilden, the eldest son of Nathaniel, in 1666, and died in the same year."

Nathaniel Tilden was a very influential citizen, frequently designated for important public trusts. His connections were likewise of a high character.

He married, in England, Lydia Bourne, a daughter of Thomas Bourne, who was one of the eleven persons who were on the earliest list of freemen in the town of Marshfield, in company with Mr. Edward Winslow, Josias Winslow, and Kanelme Winslow, and was one of the first representatives of that town in the colonial government. — ("New Eng. Hist. Reg.," Vol. VII. pp. 276-277.)

Thomas Bourne was buried May 11, 1664, aged eighty-three. His wife, Lydia, was buried July 18, 1660, aged seventy-one.

Martha Bourne, one of the sisters of the wife of Nathaniel Tilden, married John Bradford, the eldest son of Governor Bradford. Margaret Bourne, another sister of his wife, married Josiah Winslow, a brother of Gov. Edward Winslow.

Nathaniel Tilden's daughter Judith, married Abraham Preble, who was among the men of Kent in Scituate, in 1636. From them was descended Commodore Preble.

A granddaughter of Nathaniel Tilden, Lydia, married William Ticknor, Jr. She was the great-great-grandmother of George Ticknor, the author of the "History of Spanish Literature."

Stephen Tilden, the youngest son of the elder Nathaniel Tilden, was baptized at Tenterden, Oct. 11, 1629, and came to Scituate with his father and mother and six brothers and sisters in 1634.

He married, Jan. 15, 1662, Hannah Little, daughter of Thomas Little, of Plymouth. Her brother Thomas was killed by the Indians in the Rehoboth massacre in

1676. Her father, Thomas Little, married, April 16, 1633, Ann, daughter of Richard Warren. Thomas Little removed from Plymouth to Marshfield in 1650. He was buried there 12th of March, 1671. Savage states that twelve of this name had in 1829 been graduated at Harvard, eight at Dartmouth, and nine at other colleges of New England. Deane's "History of Scituate" mentions several members of this family who became distinguished. His wife's father, Richard Warren, came in the "Mayflower" in 1620, leaving his wife and five daughters to come in the third ship in 1623. He died in 1628, having had no children but those born in England. He had two sons, Nathaniel and Joseph. The latter was the great-great-grandfather of Major-General Warren, who was killed at Bunker Hill.

Stephen Tilden died, it is supposed, in 1712.

Deane's "History of Scituate" gives his children as follows:

Hannah, born . . . 1662	May, born . . . 1674
Stephen, " . . . 1663	Ruth, " . . . 1676
Abigail, " . . . 1666	Isaac, " . . . 1678
Mary, " . . . 1666	Ephraim, " . . . 1680
Judith, " . . . 1670	Ebenezer, " . . . 1681
Joseph, " . . . 1672	David, " . . . 1685

The Connecticut records of conveyances show a deed dated Feb. 28, 1704, to Stephen Tilden, of Scituate, of one hundred acres of land in Lebanon, Conn. They also show other deeds to Stephen Tilden, dated Sept. 17, 1709, June 17, 1709, June 6, 1711, Jan. 9, 1725. Also a deed to Stephen Tilden, Jr., March 18, 1715, and another dated June 9, 1717. Also one to him from his father, Stephen Tilden, Sr., dated Oct. 26, 1718. Also a deed to Isaac Tilden, of Scituate, of three hundred acres, dated Nov. 5, 1709. All these deeds were of lands in Lebanon,

Conn. Stephen Tilden, Sr., his brother Joseph, his sons Stephen, Isaac, and Ebenezer, all purchased lands in Lebanon, but only the younger Stephen and Ebenezer seem to have made that town their permanent home.

Isaac Tilden was born in Scituate in 1678, migrated to Lebanon, Conn., and afterwards moved to the adjoining town of Hebron, where he died, April 15, 1771.

Isaac Tilden married in Lebanon, Dec. 30, 1714, Martha Mudge, daughter of John Mudge, of Malden, who was a soldier of Captain Mosely's company in Philip's war, 1675, and a freeman, 1696. They had one son, Isaac, Jr., born in Lebanon, Sept. 26, 1715.

Isaac Tilden married in Lebanon, secondly, June 14, 1716, Rebecca Man, who was born in Scituate in 1686, and was a granddaughter of Richard Man, who is said by Deane's "History of Scituate" to have come a youth in Elder Brewster's family in the "Mayflower" in 1620.

Her uncle Thomas was badly wounded in a fight under Captain Pierce, who was in command of fifty English and twenty friendly Indians in King Philip's war, and who was, with most of them, killed on the 26th of March, 1676, at Pantucket, in Rehoboth.

Isaac Tilden and his wife Rebecca had children as follows :

Rebecca, born	.	.	March 7, 1716-17.
Jonathan, "	.	.	April 21, 1719.
Judith, "	.	.	April 2, 1721. Died at Hebron, July 23, 1744.
Martha, "	.	.	Oct. 12, 1723.
Mercy, "	.	.	Aug. 15, 1725.
John, "	.	.	Jan. 28, 1728-9.

Rebecca, his wife, born in 1686, died in Hebron, Nov. 7, 1767, aged eighty-one.

John Tilden, son of Isaac Tilden, was born in Lebanon,

Conn., on the 8th of February, 1729, and died at New Lebanon, N.Y., on the 9th November, 1812.

In 1762 he married Bathsheba Janes, who was born the 14th of February, 1743, and died the 26th of August, 1806. Their children were :

	Born.	Married.	Died.
Lois,	20th April, 1763.	Major Ami Doubleday .	9th Sept., 1840.
Lucina,	31st Oct., 1764.	Judge Jonathan Warner,	18th Sept., 1834.
John,	7th Nov., 1766.		15th Aug., 1790.
Anna,	23d Oct., 1769.	Ulyses Dow	17th April, 1790.
Olive,	16th April, 1772.	Rev. Jesse Churchill .	1st Oct., 1822.
Cynthia,	17th Sept., 1774.	Joseph Keeler . . .	8th Feb., 1865.
Elam,	31st Dec., 1781.	Polly Y. Jones . . .	10th April, 1842.

John Tilden moved from Lebanon to Hebron, an adjoining town, in 1736, when he was seven years old.

He received lands from his father in 1747; was married while residing there in 1762; had six children born there between 1763 and 1774; returned to live in Lebanon, March 22, 1777. He moved from Lebanon to New Canaan, Albany county, King's district, New York, Nov. 18, 1783. Moved to Coventry, Conn., Dec. 25, 1784. Moved again to Canaan, Columbia county, New York, to a part of that town afterwards called New Lebanon, where he remained until he died, in 1812.

John Tilden served among the Connecticut troops in the French war. He brought back from the capture of Louisburg a French musket, which remained in the hands of his descendants until a few years since, when it was destroyed by the burning of the building in which it was kept. It was a smooth bore, flaring at the muzzle, without any place for a bayonet, with a flint-lock, and a stock of, probably, French walnut. It had become worn at the — pin and kicked badly at every discharge, so that it was nearly as dangerous to be behind the gun as to be in front of it. I always shrank from killing harmless birds and animals for sport. The only hunting adventure I was ever engaged in was

with this old musket when I was a very young man, and, under medical advice, was seeking exercise. My younger brother Henry, then a little boy, went along to carry ammunition and the game. My first fire was at a small flock of pigeons perched on a tree, and brought down eight of the pigeons. My second fire was at a few who had alighted on the top of a very tall tree. I did not get a good rest against my shoulder, and on the discharge the old musket swept so violently across my face that I dropped the gun on the ground to hold my face between my hands. On the next fire I missed my aim. The net result of eight discharges was sixteen pigeons. I stood on my honors as a sportsman, and never made another trial of skill.

During the time of the American Revolution, John Tilden was past the military age, and was deaf, but all his relatives and connections served in the patriot cause.

His son-in-law, Major Ami Doubleday, who was born on the 17th of April, 1759, entered the military service of his country at the age of sixteen, and served during the whole period of the war. He was a man full of enthusiasm, and the children of my father's family used to delight in getting him to recount the scenes in which he had shared. A remark of his shows the spirit which animated our revolutionary ancestors. He said that throughout the long contest he felt as though the whole Continental cause rested on his shoulders.

An incident related by him depicts the nature of the conflict. Doubleday was one of a party engaged in hunting for a Tory whose partisan attacks and depredations harassed the Whigs. They came upon a house where they expected to find the Tory; but he had apparently escaped. They noticed that one of the chairs was pushed back from the table, and there was an extra plate. They searched the house, but found nothing. As they were giving up the search one of the party in vexation kicked a barrel in the cellar which turned over and discovered the Tory crouched

up under it. They took the Tory and prepared to hang him. He at first did not believe they were serious. It was not until they put the noose around his neck that he began to beg. But his offences had been too flagrant for mercy. They hung him upon a tree and left him. Doubleday was a humane and eminently pious man, but never doubted the propriety of this infliction of summary justice. Doubleday's brother Abner, two years older than himself, and the progenitor of General Doubleday, who distinguished himself in the late Civil war, was one of the forlorn hope detailed by General Wayne to remove the obstruction from the entrance to the fort, at the storming of Stony Point.

On the 19th of April, 1775, occurred the battle of Lexington, between a body of Massachusetts militia and the British regulars. Alarm spread throughout Connecticut. The towns had a militia organization, each having a company commanded by a captain. Companies from nearly all the towns immediately marched for the relief of their imperilled brethren. In the list of these companies appears "Lebanon, Captain Daniel Tilden." ("Historical Collections of Connecticut during the Revolution," p. 22.)

Capt. Benedict Arnold appears in the same list, representing New Haven.

In May afterward, at the semi-annual session of the General Assembly, an order was passed to pay to the selectmen of the towns for their services and expenses in the march towards Boston. In the account audited by a committee, of which Oliver Ellsworth was a member, Lebanon appears entitled to the largest sum excepting only two towns.

At an adjourned session in April, a law had been enacted to raise one-fourth of the militia for special defence, formed into companies of one hundred men each, and into six regiments; and a major-general, two brigadier-generals, and six colonels were appointed.

The purchase of three thousand stand of arms was ordered, and the means were provided by loans and taxes.

Immediately after the passage of these laws, the general officers, the colonels of the six regiments, and the company officers were appointed.

In the Third Regiment Israel Putnam was appointed colonel, and captain of the first company. In the sixth company of this regiment James Clark was appointed captain, and Daniel Tilden first lieutenant. (*Idem*, p. 167.)

Captain Clark and his company were greatly distinguished in the battle of Bunker Hill, in which also General Putnam bore a leading part.

These regiments were the first enlisted soldiers of Connecticut.

Capt. Daniel Tilden commanded the company in the battle at Trenton, in which James Monroe, afterwards President of the United States, served as a lieutenant.

Col. Daniel Tilden, of Lebanon, Conn., was a son of Stephen Tilden.

He was a great Jeffersonian, and one of the founders of the Democratic party.

Capt. Daniel Tilden, afterwards colonel, was a representative from the town of Lebanon at the May session in 1782. He was again appointed at the October session of 1785, and was reappointed in the nine semi-annual sessions following. He was appointed at ten sessions between May, 1795, and May, 1812.

He was the moderator of the town meeting of Lebanon for twelve years, between 1796 and 1814, and a selectman for ten years. He had frequently held town offices. His son, Stephen D., held town offices for twenty-five years. He was twice a representative in the General Assembly; was a delegate from Lebanon to the constitutional convention of 1818, and afterwards senator. Two

of his grandsons became judges in the State of Ohio, and one of them, Daniel Rose Tilden, was a representative in Congress from 1843 to 1847.

Stephen Tilden, of Lebanon, Conn., who was the author of ballads and poems designed to inspire the New England colonists in the French war, published in 1758, when the author was sixty-eight years old, was a first cousin of John Tilden.

Some account of this rare book, which was borrowed from George Ticknor by the authors of Duyckinck's "Cyclopedia of American Literature," is given in that work, Vol. I. p. 429, and in the "Historical Magazine," Vols. III. and IV.

A humorous production of the same pen escaped the researches of these authors. It seems that in 1758, during the great French and Indian war, the inhabitants of the town of Windham were alarmed by an unaccountable noise, which they took to be an incursion of the enemy. The inhabitants all turned out without waiting to dress, seized their arms, and gathered in the street. It seems that the noise was made by an immense multitude of bull-frogs which populated a mill-pond about three-quarters of a mile from the village. An amusing account of the affair will be found in Barber's "Historical Collections of Connecticut," p. 447. One story represents the frogs as driven out of their haunt by the drying up of the water and migrating to another pond; the other story represents them as engaging in a contest for the possession of the water that remained in the nearly exhausted pond.

This occurrence was the subject of the ballad which is ascribed to Stephen Tilden on the authority of a family tradition. A copy of the ballad is annexed, marked "Appendix No. 4." Dyer and Elderkin, who were introduced into the ballad, were the foremost lawyers of Windham. They afterwards became very distinguished during the Revolution. A table of the descents from Nathaniel Tilden,

the emigrant, to Elam Tilden and his children is annexed, and marked "Appendix No. 5."

Bathsheba Janes, the belle of Coventry, Conn., who married John Tilden and became my paternal grandmother, was lineally descended from William Janes, of New Haven. He was born in Essex, England, about the year 1600. He came to America with the Davenport colony, arriving in Boston in the "Hector" and another ship on the 3d of June, 1637. He was among the earliest settlers of New Haven, where he became a famous teacher. He built a homestead on his large allotment of land at the corner of Church and Chapel streets, commonly called the Cutler lot. An account of William Janes will be found in Bishop Janes' "Genealogy of the Family," and also in a paper entitled "History of the Cutler Lot," in the first volume of "Papers of the New Haven Colony Historical Society," p. 29.

He resided eighteen years in New Haven. In 1657 he removed to Northampton, where his first wife, Mary, died on the 4th of April, 1662, and on the 20th of the following November he married Hannah Broughton, widow of John Broughton, and daughter of Thomas Bascom. She died, March, 1681. Her father, Thomas Bascom, came to America in July, 1633, with the company that settled at Dorchester.

Thomas Broughton, her youngest son by her first husband, settled at Deerfield, and was killed by the Indians, with his wife and three children, in June, 1693.

William Janes died at Northampton, Sept. 20, 1690.

He preached to the people in Northfield under an oak-tree. Twice that plantation was broken up and he driven down to Northampton by the Indians.

In September, 1675, his two sons, Ebenezer and Jonathan, were killed by the Indians at Northfield.

Bishop Janes, in his learned and elaborate "Genealogy of the Janes Family," says that William Jeannes, as the

name was originally spelled, was descended from Guido de Janes, a general of the French confederation, on whom the first Plantagenet conferred the manor of Kirtland in the county of Cambridge, and that the estate is still in the family.

He states also that the grandson of Guido — Geoffrey de Janes — took up arms with Baldwin, Count of Flanders, in his successful effort to obtain Jerusalem, and contributed to make Baldwin king of Jerusalem. But the learned bishop is not able to supply any of the links between the alleged ancestor and the emigrant William.

I have heard my mother say that my father's mother told her that when she was a child there used to be an old lady in the family who always wore a black cap. This must have been her grandmother, Hannah Janes, wife of Benjamin Janes, who was scalped by the Indians while residing near Northampton, Mass., on the 13th of May, 1704.

In the massacre three of her children were killed.

Samuel Janes, her husband's brother, his wife and three children were also killed.

Nine of the Janes family fell in this massacre. The grandfather of the wife of Samuel Janes — Samuel Hinsdale — settled at Deerfield, and with his two sons, John and Samuel, had been slain by the Indians. Most of the relatives of the wife of Samuel Janes had been killed in former incursions of the Indians. Hannah Janes, when the Indians fled, was knocked on the head, scalped, and left for dead. When the avenging settlers returned from the pursuit of the Indians, she was found on a mountain which the Indians had crossed in their flight. She was sitting leaning against a log and stroking the blood from her forehead and eyes. She was carried to Northampton, and, after long suffering, recovered and went to live in Coventry, Conn.

She subsequently became the mother of six other children, among whom was my grandmother's father, Elisha Janes.

Jonathan Janes, a second cousin of Bathsheba Janes, who married John Tilden, and became my grandmother, was born in 1726, and lived until 1825.

He served among the Connecticut troops in the French war, and was at the surrender to the British and colonial forces, July 26, 1758, of what was considered an impregnable fortress built by the French at great cost and with elaborate skill, at Louisburg.

Thomas Janes, a second cousin of Bathsheba Janes, was born in 1738, and served his country in the war of the Revolution in a Connecticut regiment of infantry under Col. Moses Thayer, from Jan. 1, 1777, to January, 1782, — five years.

Elijah Janes, a son of Elijah, who was a second cousin to Bathsheba Janes, was born July 8, 1758, and died in June, 1823; was a lieutenant in the war of the Revolution, and became afterwards a distinguished citizen at Lansingburg, in the State of New York.

Elijah Janes, of Pittsfield, Mass., son of Seth Janes, was born in Coventry, Conn., April 17, 1744, and died in Ohio in 1826.

He was a first cousin to Bathsheba Janes. He served with honor and bravery in the war of the Revolution. He was among the minute-men, and in the beginning of the war was frequently called out and sent on distant expeditions, to the very great inconvenience of himself and family.

He became a lieutenant in a regiment of dragoons under Col. Elisha Sheldon, and served in that capacity from January to August, 1781, and afterwards as quartermaster till July, 1782.

Oliver Janes, also a first cousin of Bathsheba Janes, was born on the 2d of November, 1754. He married Judith Rollo on the 22d of February, 1775. It was said they were the handsomest couple who ever went into Coventry church to be married.

“A little more than a year and a half from their sweet

bridal morning," says the narrator, "he died, a patriot soldier, in the service of his country." He died, as is supposed, of camp fever, at East Chester, near New York city, on the 7th of October, 1776, aged only twenty-three.

My maternal grandmother was lineally descended from Andrew Patterson, who fought in 1679 on the side of the Whigs and Covenanters at the battle of Bothwell Bridge, graphically described by Sir Walter Scott in "Old Mortality."

He emigrated to escape the harrowing of Claverhouse. He came first to Perth Amboy, but, thinking that he would be safer in Connecticut than under the government of East Jersey, he went on foot to Stratford. He was born in 1659, and died at Stratford, Dec. 21, 1746, aged eighty-seven. He married on the 19th February, 1691, Elizabeth Peat, who was born in Stratford, and died in Cornwall, aged ninety-six. She was a daughter of John Peat from the county of Durham, who came from London in 1635, aged thirty-eight, and died at Stratford, Conn., in 1678, aged eighty-one.

Among their children was John Patterson, who was born in Stratford on the 24th of June, 1711, graduated at Yale College, September, 1728; moved first to Cornwall, then to Westminster, Vt., afterwards to Piermont, N.H., where he died on the 20th of January, 1806, aged ninety-five.

Of John Patterson a granddaughter writes as follows:

"He retained his mental powers to the last. The latter part of his life was very happily spent. A portion of each day was devoted to reading the Scriptures. He also superintended the cultivation of the garden until the summer before his death.

"In person he was under medium size, had a finely shaped head, blue eyes, and a fair agreeable countenance.

"His neighbors said of him that he possessed a memory like an Indian, reminding them of faults or facts they supposed long forgotten. He possessed a great fund of anecdote relating to his college life, the history of

Stratford, and the French and Indian and Revolutionary wars.

"He was so well versed in Scottish history, dates, places, and events as to surprise intelligent Scotchmen with his accuracy."

John Patterson was also recorder when he lived in Connecticut.

He married, in 1729, Mary Curtis, who was born in Stratford in 1711, and died in Piermont on the 18th of July, 1789, aged seventy-eight.

In the "Records of Connecticut," 1775, appears the following note :

"John Patterson, Esq., of Piermont, of the province of New Hampshire, agent of said town, preferred a petition in favor of said Piermont, stating its exposed situation to Quebec at that alarming period, and expecting an attack by the French and Indians from Canada; that said town had voted to supply themselves with arms and ammunition, of which they were nearly destitute; and being without money in the infant state of the town, prayed the colony of Connecticut to sell them fifty pounds of powder, offering their note with security, to be paid in May, 1776, with interest, and signed by John Patterson, agent.

"A resolution passed directing the powder to be delivered, and to take said Patterson's note for the same, payable the 1st day of May, 1776, with interest." (P. 171, note.)

Savage states that of the name of Curtis, ten had graduated at Harvard in 1834, and nineteen at other New England colleges.

Among the children of John Patterson and Mary Curtis was Josiah Patterson, born March 25, 1733, and died at Chatham, N.Y., the 10th of December, 1819, aged eighty-seven. He married, in 1753, Phœbe Wells, who was born in 1734, and died on the 8th of January, 1786, aged fifty-one.

Among their children was Parthenia Patterson, born in

Cornwall, 29th of August, 1754, and died in New Lebanon, 31st of January, 1821, aged sixty-six. She married Samuel Jones, who was born in Cornwall, Conn., 15th of May, 1752, and died in New Lebanon, 9th of July, 1836, aged eighty-four.

Among their children was Polly Younglove Jones, who was born in New Lebanon, 20th of March, 1782, and died, 11th of December, 1860, aged seventy-eight. She married, on the 8th of February, 1802, Elam Tilden, who was born in Lebanon, Conn., on the 31st of December, 1781, and died in New Lebanon, N.Y., on the 10th of April, 1842, aged sixty.

Polly Younglove Jones, who married Elam Tilden, and became my mother, was lineally descended from William Jones, of New Haven.

He was born in England about the year 1624, arrived at Boston the 27th of July, 1660, and came to New Haven in the same year.

He soon became one of the most prominent characters in that colony, and during all the forty-six years he lived there, acted a leading part in the church and in the State.

On the 4th of July, 1659, he had married, as a resident of the parish of St. Martin in the Fields, County Middlesex, Hannah Eaton, of the parish of St. Andrew, Holborn, London, spinster, youngest daughter of Gov. Theophilus Eaton.

"Mr. Jones, with his wife, the daughter of Governor Eaton, and the rest of his family, arrived at Boston, July 27, 1660, in the same ship which brought the two regicide judges, Goff and Whalley.

"On the 23d of May, 1662, he took the oath of fidelity, with the following caution :

"That whereas the King hath beene proclaimed in this colony to be our Sovereigne and we his loyall subjects, I doe take the said oath with subordination to his maj^{tie} hoping his maj^{tie} will confirme the said government for the advance^{mt} of Christs' gospell, kingdom & ends, in this

colony upon the foundations already laid; but in case of alteration of the government in the fundamentalls thereof then to be free fro the said oath.'

"He was also, on the same day, admitted a freeman and nominated to be propounded to the court of election for a magistrate." (*"New Haven Town Records,"* p. 372.)

"The two judges, Goffe and Whalley, arrived at Boston, from England, the 27th of July, 1660, and took up their residence in Cambridge; but finding it unsafe to remain longer they left that place, and arrived at New Haven the 7th of March, 1661." (Lambert's *"History of New Haven,"* p. 59.)

On May 28, 1662, William Jones was chosen magistrate for New Haven, and was appointed on a confidential committee to act with the advice and concurrence of three elders. Connecticut had been granted by the crown a charter covering all the territory of the New Haven colony.

Mr. Davenport was opposed to surrendering the theocracy he had done so much to found.

Connecticut made a proposition for a union of the two colonies and appointed a committee to negotiate.

The answer of New Haven, signed by Governor Leete in the name of the committee of the colony, is in the handwriting of William Jones, under date of Jan. 1, 1663.

On the 27th of May, 1663, he was chosen magistrate for New Haven, and was also chosen arbiter between the governor and Mr. Fenn, who were appointed commissioners with general authority to represent the colony.

The General Assembly of Connecticut again appointed commissioners on Aug. 19, 1663, to negotiate a union.

The New Haven proposition of Aug. 26, 1663, is in the handwriting of William Jones, signed by Governor Leete in behalf of the committee.

The 3d of May, 1664, he was appointed commissioner to Hartford to represent New Haven in the same negotiation.

At a Court of Elections held at New Haven on the 25th

of May, 1664, Mr. William Jones was elected deputy governor of the colony of New Haven.

In 1665 the two colonies of New Haven and Connecticut were merged under the name of Connecticut.

On the 11th of May, 1665, William Jones was chosen an assistant of the united colonies, an office which embraced the duties of a judicial magistrate and also those of a senator or member of the superior branch of the Legislature.

From the union of the colonies in 1665 until May, 1692, twenty-eight years, he was chosen an assistant by an annual election in each year except in the year 1688, when the government of Connecticut was suspended by Governor Andros, of New York.

In all that long period he was frequently appointed to perform special trusts, in the settlement of boundaries between the towns, and for many other purposes.

He was distinguished from the other assistants or magistrates by the imposition on him of special trusts; and was once granted three hundred acres of land, and several times was voted small salaries in consideration of his special services.

In 1692 William Jones was chosen lieutenant-governor of Connecticut, and was reëlected at the annual elections in each year until 1698, holding the office in all for six years.

William Jones was one of the trustees to whom the patent of the city of New Haven was granted by the General Assembly of Connecticut, 20th of October, 1704.

When he died, in 1707, the General Court passed the following resolution:

"This court, considering the very good services for many years done and performed by the honoured and religious gentleman, Mr. William Jones; now deceased, do order that five pounds be paid out of the publick treasure towards the charges of his funeral." (Hoadly's "Records of the Colony of Connecticut," Vol. IV. pp. 7-8.)

The connections of William Jones were of the highest character. All the histories of New Haven and Connecticut, and of New England, give glowing accounts of his father-in-law. One of these accounts is as follows:

"Theophilus Eaton, the father of the colony of New Haven, was born about the year 1590, at Stony Stratford in Oxfordshire, of which place his father was the minister.

"He was educated at Coventry, whither his father had removed, and at school formed an intimate acquaintance and friendship with John Davenport, son of the mayor of the city, whose parishioner he afterwards became in London, and at whose instigation he came to New England. Eaton was a wealthy London merchant, largely engaged in business, and deputy-governor of the company of merchant adventurers that carried on the Baltic trade. So great was his judgment and experience gained by travel and practice in affairs, that he was sent by Charles I. as his agent to the court of Denmark.

"In company with Davenport, he arrived at Boston, June 26, 1637, and on the 30th of March, 1638, they sailed with their associates for the place which they afterwards called New Haven. On the 25th of October, 1639, he was chosen governor of the infant colony, to which office he was annually reëlected till his death, Jan. 7, 1658, a period of more than eighteen years." (Young's "Chronicles," p. 123.)

Savage, who gives more particulars about his family, states that he lost his first wife and child in London, and married secondly, Ann, widow of David Yale, and daughter of Thomas Morton, Bishop of Chester.

Her three children by David Yale, her first husband, — David, Thomas, and Ann, — accompanied their mother and Mr. Eaton to New Haven, and also Edward Hopkins, who had married Ann.

Mr. Eaton had three children by his second wife, Theophilus, Mary, and Hannah, who had married William Jones.

Edward Hopkins, the son-in-law of Mrs. Eaton, had

been a Turkey merchant in London, of good credit and esteem.

In the colony of New Haven he was a magistrate in 1639; was secretary of State in 1639 and 1640; lieutenant-governor in 1643 and again in 1653, holding the office in all six years; and governor in 1640, holding that office in all seven years.

After his return to England, he was again elected governor, but did not accept.

Returning to England in 1652, he was made a member of Oliver's Parliament and a commissioner of the navy.

Mrs. Eaton was grandmother of Elisha Yale, who was born April 5, 1648; went to England in his youth, and about 1678 proceeded to the East Indies; resided there twenty years, went home with a large estate and three daughters, two of whom married into noble families.

He was governor of the East India Company, and became the principal benefactor of Yale College. He died in London, July 22, 1721.

The father of Mrs. Eaton was Thomas Morton, who was of the same family as John Morton, Cardinal Archbishop of Canterbury and Lord Chancellor of England, born in 1410.

Thomas was born in York in 1564. He became Bishop of Chester in 1616; was translated to Litchfield, Coventry, in 1618, and to Durham in 1632. He reached the great age of ninety-five, dying in 1659.

He was intimate with Isaac Casaubon, and erected a monument to the memory of that illustrious scholar in Westminster Abbey. (Universal Biography.)

Professor Kingsley's "Historical Discourse on the Two Hundredth Anniversary of the Founding of New Haven, delivered in 1838," contains the following:

"Ann Eaton, widow of Governor Eaton, died in London, 1659. Her daughter, Hannah Eaton, married William Jones, Esq., an English lawyer, and with her husband came

to New Haven in 1660, where they occupied the former residence of Governor Eaton. They sailed from England in the same ship with the regicides, Colonel Whalley and Colonel Goffe, which circumstance probably had some influence in bringing the regicides to New Haven. Mr. Jones was chosen a magistrate in New Haven in 1662, and lieutenant-governor in 1664. He was afterwards lieutenant-governor of Connecticut, and acquired great respectability and influence, both in the town and colony."

Governor Eaton died in New Haven, Jan. 7, 1658, in the sixty-seventh year of his age. At the first General Court after his death, May 26, 1658, it was voted to erect a monument to his memory. The record is in the following words :

"This court calling to mind the good service done to this colony by our late Honorable Governor did order that a comely tomb such as we are capable of, shall be made over his grave."

The monument was a sandstone table on which was this inscription :

"Theophilus Eaton Esq. Gov.

Deceased Jan. 7th, 1657. [8.]

"Eaton so fam'd, so wise, so meek, so just,
The Phoenix of our world, here hides his dust,
This name forget New England never must."

Governor Jones died in New Haven, 17th October, 1706, aged eighty-two, and Hannah Jones, 1st May, 1707, aged seventy-four. They were buried one on the right and the other on the left of Governor Eaton; and to the former inscription the following was added :

"T'attend you, sir; under these framèd stones
Are come your honor'd son and daughter Jones,
On each hand to repose their wearied bones."

This notable triplet, as Dr. Dwight once told me, was the production of the Rev. James Pierpont. The lines on

Governor Eaton must have come under the inspection of Mr. Davenport; but whether he was the author of them, can be conjectured only. The stone has been removed to the new burying-ground and the old inscriptions erased, to the regret of the lovers of genuine antiquity. (Pp. 76-77.)

The Rev. Leonard Bacon's "Historical Discourses" contains an account of the two regicide judges Whalley and Goffe, and their protection in New Haven, which is hereto annexed, and marked "Appendix No. 7."

President Stiles gives a full account of the perilous activity of Mr. Jones in sheltering and concealing Whalley and Goffe.

It will be observed that Mr. Bacon speaks of William Jones as a son of John Jones, one of the regicide judges, as if it was an ascertained fact. Considering that Mr. Bacon was a successor to the Rev. John Davenport and the Rev. James Pierpont in the pastorate of the church to which Mr. Jones belonged; that Mr. Jones himself lived until 1707; and that Mr. Pierpont, who was brought into the pastorate by the influence of Mr. Jones, and who was very intimate with John Dixwell, another of the regicide judges, lived until 1714, — the authority of Mr. Bacon on the question has much weight.

The tradition in the Jones family as represented by the Rev. Isaac Jones, of Litchfield, who was himself a great-great-grandson of William Jones, and who studied the subject within a hundred years of Mr. Jones' death, agrees with the statement of Mr. Bacon. On the other hand, Mr. Savage, the learned author of the "Genealogical Dictionary," discredits the tradition.

Mr. Savage adopts the statement of several historians that Mr. Jones came over in the ship with Whalley and Goffe, and ascribes to that circumstance the tradition which he considers erroneous.

But Mr. Bacon, p. 129, says the tradition that Mr. Jones came over in the same ship with the regicides is, I

suspect, unwarranted. There is more ground for disbelief that William Jones was a son of Cromwell's sister, Katherine, who undoubtedly married John Jones, and who was a cousin of John Hampden.

In the "Transactions of the Historical Society of Lancashire and Cheshire," new series, Vol. I., session 1860-61, p. 177, will be found a paper entitled "Inedited Letters of Cromwell, Colonel Jones, Bradshaw, and other Regicides."

These letters were stated to be in the possession of the Rev. Cyrus Morall, of Plas Yohn Chirk, a representative of the family of Colonel Jones.

Sixty of these letters are by Colonel Jones, four were by him and other persons.

The first of Colonel Jones' letters is to Lieutenant-General Ludlow, and is dated Dublin, 3d September, 1651.

The last is to the widow of Cromwell, and is dated 4th of April, 1660.

An abstract of the most important passages in these letters is annexed, and marked "Appendix No. 8."

From these letters it is evident that Colonel Jones' wife died in December, 1651; that her maiden name was Edwards; that a few years after, he married Katherine Cromwell, and at the time of the marriage he had at least one son living, and it is probable that son had not reached maturity.

The Rev. Cyrus Morall, in a letter to M. Y. Tilden, dated June 27, 1876, states that among the papers of Colonel Jones he found no mention of a son William, nor indeed of any other son than John Jones, who appears to have been an only child. His mother was a Miss Margaret Edwards, of Stanstey, in Wrexham, and died in 1651.

He states that the pedigree in his possession is nine yards long, most beautifully emblazoned with coats of arms.

It records the ancestry of Col. John Jones, and also that of his wife, Margaret Edwards, but is only brought down

to 1649. He adds: "John Jones, the younger, I believe, had no family, and bequeathed this pedigree to his kinswomen on his mother's side, the heiresses of Killhendre; and thus it came into my possession as being their representative."

In Burke's "Landed Gentry," under the name of Jones of Mullinabro, is John Hawtry Jones, whose pedigree is given from a son of Col. John Jones, named Francis. The names of John and Humphrey, who was a brother of Colonel Jones, recur in the pedigree of this family.

The Rev. Isaac Jones, of Litchfield, states that Col. John Jones left three sons, William, John, and Morgan, of whom and their descendants he gives an account.

Col. John Jones was governor of the island of Anglesea; was one of the commissioners for the government of Ireland, and commander-in-chief of the military forces during the absence of Lieutenant-General Ludlow.

Caulfield's "High Court of Justice" contains an engraved portrait of him and also a biography. He is therein stated to have been the author of a book entitled,

"Judges judged out of their own Mouths, or the Question resolved by Magna Charta, etc., who have been England's Enemies, King's Seducers, and People's Destroyers, from Henry III. to Henry VIII., and before and since, stated by Sir Edward Coke, Knt., late Lord Chief Justice of England. Expostulated and put to the Vote of the People, by J. Jones, Gent.," London, 1650.

After his return to England he was made by Cromwell a member of the House of Peers. During the protectorate of Richard he was again made commissioner for Ireland.

His conduct and his letters and other writings show him to have been a man of great ability, devoted to republican principles, and of great religious enthusiasm.

After the restoration of Charles II. he was living obscurely in London, and when walking out in the evening

to take the air, as stated in General Ludlow's "Memoirs," was seized and imprisoned.

A full account of his demeanor and sayings during his trial and afterwards is contained in Howells' "State Trials," Vol. V. pp. 1004, 1072, 1283. An account of his trial and of the other regicide judges, by William Prynne, was published in 1660. Another account of these trials, containing additional matter concerning them and their execution, was published in a small volume in 1739.

Colonel Jones was executed at Charing Cross, on the 17th of October, 1660, with barbarous and inhuman mutilation.

Among his sayings while in Newgate, one would indicate that he took little care to escape.

"Speaking of those that were gone beyond the seas, (O dear hearts, says he) in what a sad Condition are our Dear friends beyond Sea, where they may be hunted from Place to Place, and never be in Safety, nor hear the Voice of the Turtle; how much have we gotten the Start of them for we are at a Point, and now going to Heaven."

Among the children of Mr. William Jones was Nathaniel Jones, supposed to have been born in London about 1658; and who died in Wallingford, Conn., on the 21st of August, 1691. He married, the 21st of August, 1684, Abigail Atwater, who was born on the 3d of March, 1660. She was the daughter of David Atwater, who came from London in 1638, and signed the plantation covenant on the 4th of June, 1639. His brother Joshua, who came with him and signed the covenant with him, was an assistant and was treasurer of the colony.

Savage says that up to 1834, of the New Haven family of Atwater, fifteen had graduated at Yale College, and two at other New England colleges.

Among the children of Nathaniel Jones was Theophilus,

who was born on the 18th of March, 1690, and died at Wallingford, Conn., in 1780, aged ninety.

He married, on the 26th of December, 1711, Hannah Mix, who was born on the 13th of April, 1685, and died Nov. 26, 1754. She was a daughter of Thomas Mix and a granddaughter of the Rev. James Fitch, whose first wife was a daughter of the Rev. Henry Whitfield, and whose second wife was a daughter of Maj. John Mason.

Among the children of Theophilus Jones was Caleb Jones, who was born on the 3d of November, 1712, and died at Cornwall, Conn., on the 9th of December, 1786, aged seventy-four.

He married, on Oct. 6, 1741, Mary How, who was born on the 4th of May, 1712, and died at New Lebanon, N.Y., on the 6th March, 1789, aged seventy-seven.

Among their children was Samuel Jones, who was born at Cornwall, Conn., on the 15th of May, 1752, and died at New Lebanon on the 9th of July, 1836, aged eighty-four.

He married on the Parthenia Patterson, who was born at Cornwall, Conn., on the 29th of August, 1754, and died in New Lebanon on the 31st of January, 1821.

Among their children was Polly Younglove Jones, who was born on the 20th March, 1782, and died in New Lebanon on the 11th of December, 1860, aged seventy-seven.

On Feb. 8, 1802, she married Elam Tilden, who was born in Lebanon, Conn., on the 31st of December, 1781, and died in New Lebanon, N.Y., on the 10th day of April, 1842.

The locality in which I was born, now in the town of New Lebanon, Columbia county, New York, was at the time of my birth embraced in the town of Canaan, which until 1788 was a part of King's District, — a subdivision created in 1772, — of the county of Albany.

The people of King's District before and during the Revolution acted as a little republic. The town meeting

was its organ. The records of the town contain the following proceedings :

"At a meeting of the inhabitants of King's District, in the County of Albany, legally warned by the Committee of said County, at the house of William Warner, inn-keeper, in said District, on Monday the 24th day of June, 1776, for the purpose of electing twelve delegates to represent said County in the Provincial Congress, be voted: First, that Daniel Buck, be Moderator of this meeting; second, that the present Committees' clerk be clerk of this meeting; third: that the districts' books be delivered to the care of said committees' clerk until the next District meeting; fourth, that a committee be chosen by this meeting for the purpose of drawing up instructions for a new form of government to be introduced by said delegates.

"*The question being put whether the said District chooses to have the United American colonies independent of Great Britain, voted unanimously in the affirmative.*" ("History of Columbia County," p. 322.)

On the 6th of May, 1783, the inhabitants put themselves on record as being still of the opinion that the Tories had forfeited their property :

"*Voted*, unanimously that we will support to the extent of our ability the laws of this State which have been passed against those persons who have borne arms against this or either of the thirteen United States of America any time since the Declaration of Independence, except those persons who have already received pardon from former proclamations.

"*Voted*, That no person who has borne arms against the said States, being a resident of, or in, America at the commencement of the said war, shall return, on any pretext whatever, to reap the advantages of Independence; and all property confiscated by law doth of right belong to said States.

"*Voted*, That no such person as aforesaid shall ever hereafter have any residence in this District, and that the members of the assembly be instructed about the disposition

of the inhabitants of said District respecting the same." (Ibid., p. 323.)

At a special meeting, June 15, 1779 :

" *Voted*, unanimously that the District shall and will pay all such cost and charges that shall necessarily arise in consequence of the Poormasters' taking care of and supporting the poor in a proper charitable and christian manner.

" *Voted*, unanimously that the Representatives for the County of Albany in General Assembly be instructed to use their most vigorous exertions to have a confiscation bill immediately passed, on all the estates of those persons who are inimical to the American States.

" *Voted*, That the District Clerk send a copy of the above votes to the General Assembly of this State." (" History of Columbia County, New York," p. 323).

The town meetings of King's District were usually held at the house of William Warner, in what is now known as Canaan Centre. He died Oct. 23, 1776, and his son, Jonathan Warner, succeeded to his house, in which all subsequent town meetings were held.

Jonathan Warner married a sister of Elam Tilden, and became a man of great prominence, holding the offices of supervisor, justice of the peace for sixteen years, and judge of the county court. Horatio Gates Warner, a son of Jonathan Warner, wrote to M. Y. Tilden, Aug. 21, 1876, that Samuel Jones was present and acted in the town meeting on the 24th of June, 1776, at which the town voted unanimously in favor of independence.

This may have been a mistake, or it is possible that Mr. Jones may have been there in contemplation of his removal of his residence, which was consummated in March, 1779.

There is a tradition that when he took his family from Cornwall to King's District, a distance of about fifty miles, as he crossed the State line he whipped up his horses and said, "Fare ye well, old Connecticut," and his wife burst into tears.

A thoroughfare from Connecticut to the western part of New York and to Ohio lay through New Lebanon. The emigrants usually moved in a large wagon drawn by horses or oxen.

The wheels had a wide tire, and the wagon was covered with a high canvas top stretched over a frame made of hoop-poles. The wagon contained all the family and personal effects of the emigrant, and some provisions for the journey. The family slept in the wagon overnight.

I well remember in my childhood seeing the endless procession of emigrants passing by day, and often encamping by night on the little green in front of the house where I was living, and opposite to which stood a huge swinging sign lettered :

“CONNECTICUT COFFEE HOUSE.

THOMAS PIERCE,”

while the next house on the green was the tavern of Aaron Betts.

Samuel Jones, on the 4th of July, 1776, when twenty-four years of age, volunteered, and went in one of the Cornwall companies to the neighborhood of Poughkeepsie; and he frequently afterwards volunteered, and was generally employed within the boundaries of New York, while his residence was in Connecticut. After his removal to King's District, he was frequently called out; was appointed and served as a commissioned officer, and sometimes commanded his company. Altogether he was several years in active military service. He rose to the rank of major in the militia, and ever afterwards was known by that title.

He was fourteen years a justice of the peace under appointments from Governor George Clinton.

He was one of the intermediaries who effected a compromise and gave title to the settlers on the lands embracing what is now the western part of the town of New Lebanon.



DR. MOSES YOUNGLOVE

The controversy had reached the verge of war. The Legislature interposed and appointed commissioners to adjust the claims. They sold the lands in behalf of the grantees to three persons, who in turn resold them to the settlers at a low price, and the controversy was thereby adjusted.

Mention has already been made of the part which the relatives and connections of Samuel Jones bore in the Revolutionary struggle.

An account has been given of his brother Caleb Jones, four years older than himself, who left college to engage in military service, and died while in the army; of the brother of his wife, John Patterson, who died of the hardships of his imprisonment as a captive by the British forces; and of Moses Younglove, the husband of his wife's sister. This was a large contribution from one family to the patriot cause. His remoter connections as universally shared in the perils and sacrifices by which our national independence was established.

King's District was mainly settled by emigrants from Connecticut, and its settlers fought for their country by levies *en masse*.

Hollister's able "History of Connecticut" devotes a chapter to showing the superior quality of the original settlers of that State.

He establishes the fact that they came from the gentry and the substantial middle classes of England, and even asserts that four-fifths of the early landed proprietors of important parts of the State belonged to families to whom arms had been granted. (Hollister, Vol. I. p. 417.)

Polly Patterson, born Oct. 19, 1762, and died in Hudson, Oct. 13, 1847, a younger sister of my maternal grandmother, married Moses Younglove. As they had no children, and my grandmother had many, my mother lived mainly with her aunt, for whom she was named.

Moses Younglove, born in 1753, and died Jan. 31, 1829,

in the seventy-seventh year of his age, was a very able man, a physician by profession. He was a surgeon on the staff of General Herkimer, who fell in the battle of Oriskany, on the 6th of August, 1775. Moses Younglove was at his side when he fell, and received his sword.

After he was captured by the British forces, consisting of Tories and Indians, he was stripped of all his clothes except his drawers, and marched to Quebee barefooted. In his imprisonment he was fed through a knot-hole by a Tory whose family he had attended medically in the absence of its head. His sufferings were so great that he was left a valetudinarian all the rest of his life. He believed the Indians were cannibals, and that they would have eaten him if he had not been extremely thin.

The following is an extract from Campbell's "Border Warfare of New York," 1st edition, p. 90 :

"The fury and cruelty of the Indians and Tories may be learned from the following affidavit, the original of which is now in the office of the Secretary of State. The high standing of Doctor Younglove, who died a few years since in the city of Hudson, is a sufficient voucher for its truth. The compiler has seen several persons to whom the same facts were communicated by him in his lifetime :

"'Moses Younglove, surgeon of General Herkimer's brigade of militia, deposeth and saith, that being in the battle of said militia above Oriskany on the 6th of August last, toward the close of said battle, he surrendered himself a prisoner to a savage, who immediately gave him up to a sergeant of Sir John Johnson's regiment, soon after which a lieutenant in the Indian department came up in company with several other Tories, when said Mr. Grinnis by name drew his tomahawk at this deponent, and with deal of persuasion was hardly prevailed on to spare his life. He then plundered him of his watch, buckles, spurs, etc., and other Tories, following his example, stripped him almost naked, with a great many threats, while they were stripping and massacring prisoners on every side.

"'That this deponent on being brought before Mr. Butler, Sr., who demanded of him what he was fighting

for, answered, "he fought for the liberty that God and Nature gave him, and to defend himself and dearest connections from the massacre of savages."

"To which Butler replied, "You are a damned impudent rebel;" and so saying, immediately turned to the savages, encouraging them to kill him, and if they did not, the deponent and the other prisoners should be hanged on a gallows then preparing. That several prisoners were then taken forward toward the enemy's headquarters, with frequent scenes of horror and massacre, in which Tories were active as well as savages; and in particular one Davis, formerly known in Tryon county on the Mohawk river. That Lieutenant Singleton, of Sir John Johnson's regiment, being wounded, entreated the savages to kill the prisoners, which they accordingly did, as nigh as this deponent can judge, about six or seven.

"That Isaac Paris, Esq., was also taken the same road without receiving from them any remarkable insult, except stripping, until some Tories came up who kicked and abused him, after which the savages, thinking him a notable offender, murdered him barbarously.

"That those of the prisoners who were delivered up to the provost guards were kept without victuals for many days, and had neither clothes, blankets, shelter, nor fire, while the guards were ordered not to use any violence in protecting the prisoners from the savages, who came every day in large companies with knives, feeling of the prisoners to know who were fattest. That they dragged one of the prisoners out of the guard with the most lamentable cries, tortured him for a long time, and this deponent was informed by both Tories and Indians that they ate him, as it appears they did another on an island in Lake Ontario, by bones found there nearly picked just after they had crossed the lake with the prisoners. That the prisoners who were not delivered up were murdered in considerable numbers from day to day, round the camp, some of them so nigh that their shrieks were heard.

"That Captain Martin of the batteaux-men was delivered to the Indians at Oswego, on pretence of his having kept back some useful intelligence. That this deponent, during his imprisonment, and his fellows, were kept almost starved for provisions, and what they drew were of the worst kind, such as spoiled flour, biscuits full of maggots,

and mouldy, and no soap allowed, or other method of keeping clean, and were insulted; struck, etc., without mercy, by the guards, without any provocation given. That this deponent was informed by several sergeants-orderly on General St. Leger that twenty dollars were offered in General Orders for every American scalp.

“‘MOSES YOUNGLOVE.

“‘JOHN BARCLAY,

“‘*Chairman of Albany Committee.*’”

A reference to the above affidavit, which is dated Dec. 29, 1777, will be found in the calendar of “New York Historical Manuscripts,” Vol. II. p. 319. A poetical account by Doctor Younglove of the battle of Oriskany and other incidents of border warfare, partly from his own actual experience and partly from the experience of others, will be found in the Appendix of the volume already quoted, and is hereto annexed, marked “Appendix No. 6.”

Moses Younglove was one of the representatives in the General Assembly of the State, in 1778–9, from Tryon county, which at that time included all of the State of New York west of Albany county.

He was a member of Assembly from Columbia county in 1802.

He was also a member from the county of Columbia, of the constitutional convention of the State of New York in 1801. His nephew, John, was a member of Assembly.

In 1828 Moses Younglove was the Jacksonian candidate for presidential elector from the county of Columbia — the State at that time choosing electors by districts.

After his retirement from professional practice he took an active interest in political affairs, with a stern devotion to the Jeffersonian party.

President Van Buren used to relate with great gusto an anecdote of Doctor Younglove. They both resided in Hudson.

In 1812 Mr. Van Buren was a candidate for Senator from

the middle district, the State at that time being divided into four senatorial districts. At the election, Mr. Van Buren was sitting on an elevated seat, above the officers of the polls, observing the voting. The doctor came to the polls with deliberation, took off his large white hat, put on his spectacles, and taking his ballot from his vest-pocket read it through with great care. He then bowed to Van Buren, with a grim smile, and said, "I don't vote for Senator."

The fact was that the stern old Democrat suspected Mr. Van Buren of being too well disposed towards De Witt Clinton, who was a candidate for the presidency against James Madison; and although the doctor had been a life-long friend of George Clinton, he would have nothing to do with any man who was not true to the Madison ticket.

Four years afterwards Mr. Van Buren was a candidate for reelection to the State Senate. He was sitting in the same place at the polls, when Doctor Younglove came up to vote. In the meantime Mr. Van Buren had been the great champion of Governor Tompkins' administration in its efforts and sacrifices to support the federal government in the war with England in 1812, which has been aptly termed the "Second War of American Independence."

Doctor Younglove came to the polls, took off his hat, put on his spectacles, read his ballot, offered it, bowing again to Mr. Van Buren, and saying, "I vote for Senator this time."

The three things the sturdy old patriot most abhorred were, an Englishman, a Hartford convention federalist, and an Indian. Whenever curiosity attracted people to look at Indians, as they frequently showed themselves in those days, he would turn away in disgust, refusing to look at them.

Mrs. Younglove had a remarkable faculty for narration. She would read a novel, and afterwards repeat the story with great detail, consuming hours, to the great delight of her younger relatives.

She was a most entertaining person, and in her many years of companionship with her husband had acquired a large fund of information concerning all subjects which occupied his studies and thoughts. She would give very picturesque views of the incidents of the Revolution, as seen by the farming class of Connecticut.

In addition to the part in it borne by her husband, her brother, John Patterson, born Oct. 26, 1756, and died in 1777, had been confined in the Jersey prison-ship, which rivalled the horrors of the middle passage, starvation, and unwholesome food and confinement in a foul hulk. His health was incurably broken. His strength sufficed to enable him to reach home, but he died immediately after. The intense exasperation of his old father was such that he would have taken his rifle to shoot an Englishman, a Tory, or an Indian as readily as to kill a wild beast. It has taken a century to efface this sentiment in the American people.

Mrs. Younglove's brother-in-law, Samuel Jones, was frequently called out, and served as lieutenant — his periods of service amounting, in the whole, to one-third of the duration of the war.

Caleb Jones, a brother four years older than Samuel, left college to enlist in the Continental army, and died in the service.

Indeed the part which Connecticut took in the Revolutionary war would be scarcely credible to one who had not especially investigated the subject. Under the inspiration of the almost unanimous feeling of the people, the spontaneous action of the local authorities, each town forming by itself a little democratic commonwealth, accustomed to independent action, and under the lead of able public men, and especially the great war governor, Jonathan Trumbull, Connecticut furnished more troops than any other State except Massachusetts, and but little less than Massachusetts, including the province of Maine.

Mrs. Younglove was accustomed to take great interest in



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political questions. On the publication of the letters and papers of Thomas Jefferson, by his grandson, in 1829, the same year in which Doctor Younglove died, she bought a copy and covered it with tea-colored muslin.

These books, particularly the last volume, formed her favorite reading, and were circulated by her among the younger members of my mother's family.

I read them over and over again, and became thoroughly imbued with Jeffersonian political ideas.

Matthew Patterson, a nephew of Josiah Patterson, who was the father of Mrs. Younglove and of Mrs. Jones, was a member of Assembly from Dutchess county nine times between 1782 and 1793.

APPENDICES

APPENDIX TO SUPPLEMENT, No. 1

WILLIAM CAMDEN, born in 1551, died in 1623, is spoken of by the "Encyclopedia Britannica" as being "a celebrated antiquary and historian." The same authority states "he was buried with great solemnity in Westminster Abbey, where a monument was erected to his memory. He was a man of great modesty and integrity, profoundly learned in the history and antiquities of England, and a judicious and conscientious historian." "His greatest and most useful work is the 'Britannia,' a survey of the British Isles, written in elegant Latin." "In 1597 he was promoted to be Clarencieux King-at-arms."

The "Britannia" was the result of his antiquarian studies and researches pursued for many years, and is a very important production. He was made head-master at Westminster about 1592, and Clarencieux King-at-arms in 1597.

He founded the Camden professorship of history at Oxford. "The glory of this queen's [Elizabeth] reign, as well as her successor's, and the prince of our English antiquaries, was Mr. Camden," says Bishop Nicolson in his "English Historical Library."

"Allibone's Dictionary" contains a notice from which the following is an extract:

"Randle Holme of the city of Chester, Gentleman, Server-in-Extraordinary to Charles 2d, and sometime deputy for the King-at-Arms. The Academy of the Armory; or, a Storehouse of Armory and Blazon, Chester, 1668, fol. About 1104 pages."

The "Penny Cyclopaedia" gives the following account of the Holmes: "In the seventeenth century Chester was the residence of a remarkable family named Holme. A taste for accumulating local and historical information appeared in four successive generations of this family, the individuals all bearing the

name of Raudal. The last Randal Holme, being poor, sold the whole collection to the Earl of Oxford, who was then forming his great library. These manuscripts came with the rest of the Harleian collection to the British Museum, where they form 267 volumes, numbered in the catalogue 1920-2187. They abound in minute information, especially respecting Chester and the whole county." ("Penny Cyclopaedia," Vol. VII. p. 56, art. Chester.)

In the first volume of the "Proceedings and Papers of the Historic Society of Lancashire and Cheshire," published in 1849, on pages 86 to 94 will be found an elaborate account of this family of famous antiquarians of Chester.

Authority No. 1.

Ye annexed was compiled by William Camden in ye year 1597, from documents in ye possession of the antient and Knightly family of ye Gamuls de Mollington in ye Countie of Palatine of Chester, signed

RANDAL HOLME.

CHESTER, Nov. 10, 1670.

COPY VERBATIM.

Sir Rudolphus Gamul, Lord de Mollington in ye Countie of Palatine of Chester, living temp Edward 1st. married Beatrice daughter of Sir John Arnery de Stockpont in ye said Countie, and had issue Edmund his heir, and Constance who espoused Sir William Tylden de Sittenbourne in ye countie of Kent & Congleton of Cheshire, son and heir of Sir Henry Tylden by his wife Phillipa and daughter of Sir Richard Botelar, Lord de Warrington in ye Countie of Lancaster which Henry was son and heir of Sir Richard Tylden de Sittenbourne and Congleton by his wife Gertrude daughter of Sir William Vernon Lord de Frodsham in ye said named countie ye aforesaid. Sir Richard Tylden was living in ye reign of Henry 2nd and Richard Cœur de Lion, and was seneschal to Hugh de Lacy, constable of Chester and Lord of Holton in Cheshire during ye former monarch's reign. He afterwards assumed the cross, accompanied King Richard to ye Holy Land, and fought under him at the battle of Ascalon against the Soldan Saladine.

Definition of Armorial bearings as depicted in the Gamul Pedigree. S. shield Quarterly 1st and 4th Azure, a salton

Ermine for Tylden, 2d Azure a chief, 3d Azure a lion rampant, argent — for Eustace Crew de Montalt, Lord of Hanarden, impaling, argent, three mullets sable for Gamul — 2d Shield — Tylden with the above quarterings, impaling argent, three covered cups in bend between two bendlets engrailed sable for Botelar. 2d Shield Tylden with the aforesaid quartering impaling argent, a fret sable for Vernon William Cowper Esqr. de Elton in ye Countie Palatine of Chester, living temp Queen Elizabeth married Elena daughter of Sir John Tylden de Sittenbourne in ye Countie of Kent and Congleton Cheshire, Izabell Cotgreave his wife and sister to the present Sir William Tylden de Sittenbourne. definition of armorial bearings and the Cowper pedigree — Gules, a bend engrailed between two wolves, heads crossed argent for Cowper, impaling, azure, a sattire ermined, for Tylden. The above pedigree was compiled by Wm Camden in ye year 1596 from documents in ye possession of the antient family of Cowper de Elton in ye Countie of Palatine of Chester and executed by me.

RANDAL HOLME.

JANY. 15, 1670.

This is to certify that the aforesaid was extracted from the pedigree of Gamul and Cowper now in my possession, which family my husband, the late Sir John Cotgreave, of Netherlegh House, represented.

Witness my hand and seal this 28th day of February, 1845.

HARRIET COTGREAVE.

[Seal.]

W. T. SPENCE.

Pedigree No. 2 by authority, etc.

Ye annexed was compiled by that learned antiquary Wm Camden in ye year 1598 from documents in ye possession of ye antient and Knightly family of ye Cotgreave of Hargrave, in ye Countie Palatine of Chester.

RANDAL HOLME.

CHESTER, Augt. 12, 1672.

COPY VERBATIM.

Sir Roger Cotgreave, Lord de Hargrave Farvin and Tuttonhall in ye Countie Palatine of Chester, living time of Henry 7th married Elenor daughter of Sir Edward Gamul de Mollington

in ye said Countie, and had issue, Ralph his heir and Izabel who married Sir John Tylden de Sittenbourne in ye Countie of Kent and Congleton Cheshire, son and heir of Sir Thomas Tylden de Sittenbourne and Congleton, by his wife Alice daughter of Robert del Holme, Lord de Tranmore in ye first named Countie; which Sir Thomas was son and heir of Sir William Tylden de Sittenbourne and Congleton by his wife Augharad daughter of Sir Matthew Ellis of Chester — ye above Sir William Tylden was living temp Edward 3rd and fought in ye van of ye English armie, commanded by Lord Audley under ye Black Priuce at ye Battle of Poictiers. anno 1356.

Definition of armorial bearings connected with the Tylden family, as emblazoned in the *Cotgreave Pedigree*. 1st shield antient coat of Tylden — quarterly 1st and 4th Azure, a Sattire ermine, 2nd per pale, or and sable a sattire engrailed and countercharged for pole; Third argent a fret sable for Vernon, impaling Gules, a fip indented erminois between three Bugle horns, or, stringer, argent for Cotgreaves — 2nd shield, Tylden with the same quarterings impaling Barry of six or and azure for Holme. 3rd shield, Tylden with the above quarterings impaling *Ermine a lion rampant sable for Ellis*.

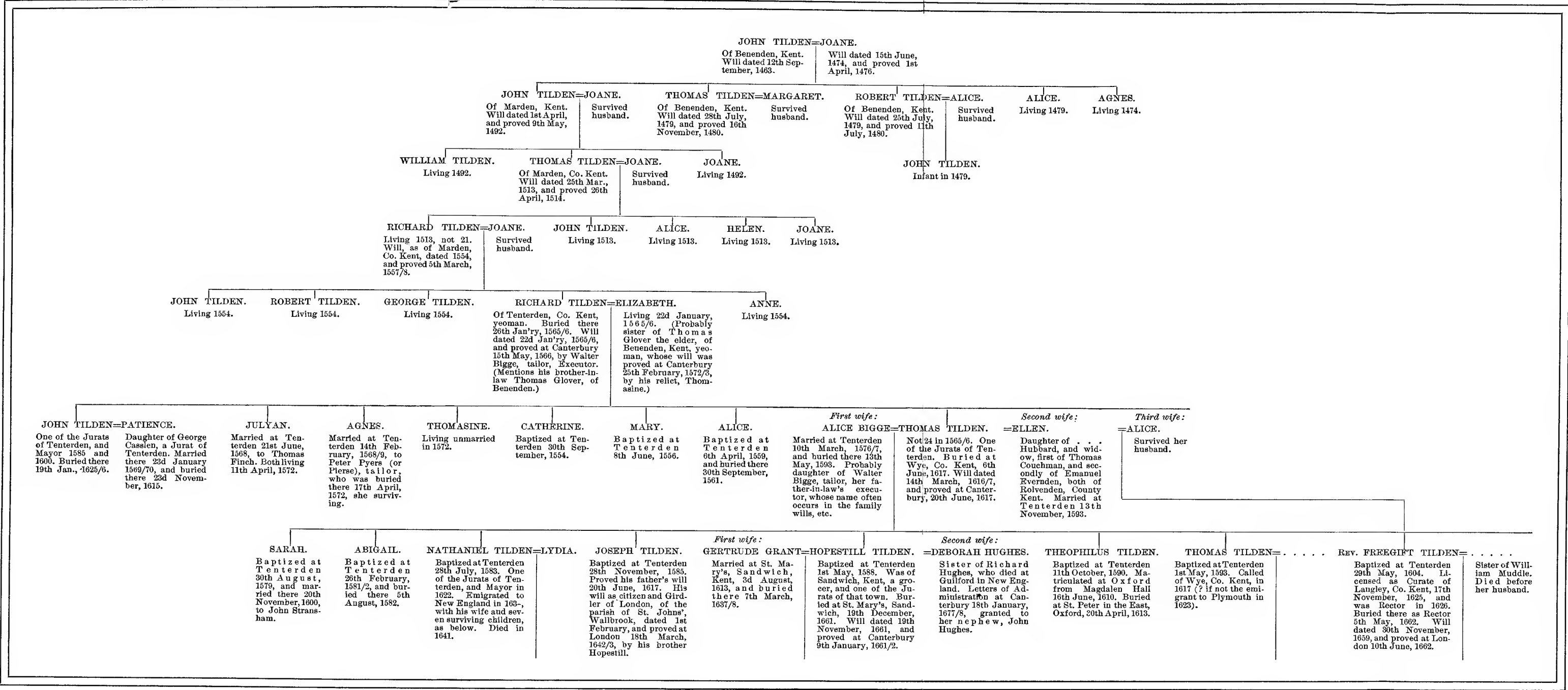
This is to certify that the above was extracted from a pedigree, now in my possession, of the Cotgreaves of Hargrave, in the county of Chester, which family my husband, the late Sir John Cotgreave, of Netherlegh House, near Chester, represented.

Witness my hand and seal this 5th day of February, 1845.

HARRIET COTGREAVE.

[Seal.]

APPENDIX TO SUPPLEMENT, No. 2.



APPENDIX TO SUPPLEMENT, No. 3

THE early history of Tenterden was the subject of a paper read by Mr. R. Furley, who said that he had undertaken a somewhat difficult task, as the most ancient and learned of our Kentish topographers (Lambarde) never even mentioned the place. When speaking of the district, Lambarde states that it cannot be shown that there is remaining in the Weald of Kent any one monument of great antiquity. As this was written more than three hundred years ago, he, Mr. Furley, must crave their indulgence in his attempt to record the early history of this pretty country town, which had been now a member or limb of the Cinque Ports for upwards of four hundred years. The district, as was well known to most of them, was in bygone times part of a vast forest, the resort of wild animals and of deer and swine, and rarely trodden by the foot of man. This woody tract was one of the largest, if not *the* largest, of our British forests.

In Cæsar's time it formed part of three kingdoms, — Cantii (Kent), Regni (Sussex and Surrey), and Belgæ (Hants, Wilts, and Somerset).

In King Alfred's time this district, according to the Saxon chronicle, was one hundred and twenty miles or longer from east to west, and thirty miles broad.

The Linien or Rother flowed out of it, and its western confines were near Privett, in Hampshire. What is now known to us as the Weald — which signified, in Saxon, a woody country or forest — was known to the Britons as Coed-Andred, coed being the British word for wood. During our Anglo-Saxon history we meet with charters containing royal grants of land in different parts of Kent, to which are attached "the use of the woods in Andred." Again, "the right of pasture and feeding a herd of swine in the Andred's Weald." Again, "In the woods called

Andred one hundred and twenty waggons of wood to support the fires for preparing salt."

The possessions to which this right of pannage attached were granted to the heads of the church and the religious houses, as well as to the military followers of the king, called thanes, from whom it has been conjectured that Tenterden derived its name.

In process of time, with an increasing population a limit was put to the general rights of pannage, and they at last became limited to certain defined districts called "denes," being the wooded valleys of the forest. Names were now given to them. Among the earliest we trace Trittenden, Benenden, Biddenden, Surrenden, etc. These denes sometimes also bore the name of the occupier; and while they were all situated within the Weald, the possessions which conferred them were scattered over different parts of Kent, especially the eastern portion of it. They were approached by drof ways, and watched over by drofmen, or forest herdsmen, to whom portions were sometimes allotted for their services. These drovers soon made the Weald their permanent abode, while more enterprising men, anxious to till the soil, joined them, and paid rent for permission to grub and plough portions of it.

This state of things must have existed long anterior to the Norman Conquest.

Tenterden, from its position, must have been at this time a place of some importance, yet, strange to say, we found no mention of it even in the eleventh century, nor of Tunbridge nor Cranbrook.

Its nomenclature afforded conclusive evidence of its existence before the Conquest. Phillipott says it was originally written "Theinwarden," being the thanes' ward or guard in the wood valley. He (Mr. F.) found Tenterden first written as in the present day about the end of the sixteenth century sometimes with the addition, "alias Tentwarden." In the Domesday Survey there was no mention of Tenterden or Cranbrook, and it might be fairly inferred that Tenterden at the time of the Conquest only comprised denes appendant to these distant manors. Turning to the mode by which justice was administered here, Mr. Furley said that when Kent first became a kingdom it was divided into laths, hundreds, and boroughs (the latter called tithings in most other counties). We first meet with Tenterden

as a hundred about the twelfth century, when it was classed with six neighboring ones for municipal purposes ; namely, Cranbrook, Barkly, Barnfield, Blackbourne, Rolvenden, and Selbritten.

Mr. Furley gave a brief notice of the proceedings at these courts during the thirteenth and early part of the fourteenth centuries, including the reigns of Henry III., Edward I., and Edward II., taken from the earliest plea roles, to show how justice was administered in those times, Tenterden having now gradually emerged from a dene and a borough, and become a ville or town.

The fair at Tenterden was then held on the eve and day of the feast of St. Mildred. It had been hitherto exempt from tolls, but the king's bailiff had recently exacted them, and was to answer for it. The bailiff of the hundred of Tenterden and of the liberties of the archbishop and of the prior of Christ church, Canterbury, were accused of amercing offenders for breaking the assize of bread and ale, instead of punishing the delinquents by pillory and tumbrel.¹ Alexander de Tenwardine had been guilty of encroachment on the king's highway by the erection of three shops. The jury decided that these erections were not a nuisance to the highway, and they were permitted to remain on the payment of a fee-farm rent of twelve horse-shoes! A little later seven more shops were erected in the High street of Tenterden, worth yearly three shillings five pence, and the sheriff was directed to levy this sum for the king, as lord of the seven hundreds.

In the next reign these shops were again presented as a nuisance, but as rent had been paid to the king for them, they were suffered to remain.

A woman had sold eight butts of wine in two years, and a man had sold forty butts, contrary to the assize, and they were amerced for it. Certain persons were amerced for robbery and fled, but being strangers, and not in any borough, the hundred was not liable. A quarrel took place in a tavern at Tenterden, and one man struck another on the head with a staff so that he died; the offender fled, and the borough was amerced because the "hue and cry" was not raised.

A man killed another with a knife in coming from Tenterden church. A man killed a girl in shooting with an arrow at the

¹ Henry III. had passed a statute that if the offence was grievous the baker should go to the pillory and the brewer to the trumbrel.

assize butt in the borough of Bourwarsile. A return is made that Thomas de Tenwardine held an entire knight's fee, that he was of full age, and not yet a knight.

In explanation of this, Mr. Furley remarked that to meet the expense of a foreign war, Edward I. compelled those who possessed land of the value of twenty pounds, to take up their knighthood, which bound them to attend their sovereign to the wars at their own expense forty days in every year. It was afterwards commuted into a money payment. Having thus briefly shown how justice was administered in Tenterden six hundred years ago, the hundred and its boroughs being made responsible for the good behavior of its inhabitants, Mr. Furley turned to the municipal proceedings of Tenterden, and dwelt for a few moments on its ecclesiastical history. The first Tenterden church, whenever erected, had, he said, a newly created manor appendant to it. No doubt this church stood on the site of the present edifice, and was made of ruder materials. The plea rolls of 1242 refer to it, and a priest was provided by the abbot of St. Augustine's, to whom an annual pension was paid.

Thirteen years later the right of patronage was in dispute, for according to the plea rolls of 1255 a serious affray took place in Tenterden church, which ended in the loss of life of one Henry de Smaleide. Two distinguished men of that day were involved in it, — John Maunsell, provost of Beverley (a great pluralist), and Henry de Wingham (a man of acknowledged merit, who afterwards became chancellor of England and bishop of London). Maunsell had authority from the Pope to induct Henry de Wingham, but the inhabitants resisted the appointment, and assembled an armed band in the church to eject the promoters of the nominee.

A conflict ensued which terminated fatally. Henry III. was appealed to, and he by letters patent pardoned the offenders and directed the justices not to interfere.

This affray possibly led to the first appropriation of the church to the monastery of St. Augustine, subject to the maintenance of a perpetual vicar, which took place four years later. The whole of the Weald of Kent had been formed into parishes by the end of the thirteenth century. In the hundred roll prepared at the commencement of the reign of Edward I. (1274), being a return made by a jury assembled in each hundred to report on the

conduct of the sheriffs, bailiffs, and others who were accused of defrauding the crown and oppressing the people, Tenterden was returned as one of the seven hundreds which belonged to the king, and was held by Stephen de Peneshurst, subject to the yearly payment of ten pounds to the castle at Dover. Roger de Benyndene was then bailiff, and Hugh de Wy the clerk, and against them there is a long list of complaints from the good people of Tenterden; and his death, which is recorded shortly afterwards, must have been a great relief to them.

Edward I. had selected for the companion of his son the first Prince of Wales, a handsome youth of Gascony named Piers de Gaveston. The prince, instigated, it is said, by Gaveston, broke down a bishop's fence and killed his deer.

The king compelled Gaveston to quit England and prohibited the young prince from approaching the court for some months.

The latter spent a portion of his time in Kent, keeping at a respectful distance from his royal father, who had then (1305) a country seat at Newenden, and was fishing and shooting in Kent. The prince remained for some days at Tenterden, and here wrote five or six letters to his family and friends, which have been preserved. In them he showed great anxiety to obtain the king's forgiveness.

Tradition says that Pitlesden (on the north side of the present High street) once belonged to Earl Goodwin, and that it was there the young prince resided.

Mr. Furley then noticed some of the principal estates in Tenterden and their earliest proprietors, also chantries formerly in Tenterden church, and connected Gatesden and Morgue, former Tenterden manors, with old St. Paul's cathedral and Somerset House, London.

The two manors mentioned were purchased for the most important of the chantries in St. Paul's in 1154; and when in 1549 the chapel in St. Paul's was pulled down, with the library attached to it, the materials, strange to say, were carried into the Strand, and used in the rearing of that stately fabric, Somerset House; while the iron fencing round the present St. Paul's was manufactured in the Weald. During the fourteenth and fifteenth centuries an industrious if not a wealthy population became the inhabitants of the district.

Noble oaks were felled, charcoal burnt and exported, while the

application of marl, with an increase of light and air from the clearing of the woods, led to a gradual improvement in the cultivation of the soil if not in the roads. Until the fourteenth century, Kent had not acquired any reputation for its wool; but Edward III. having invited the industrious Flemings and others to settle in England as weavers and cloth-workers, the Weald of Kent was fixed upon for the seat of the manufacture of broadcloths. Cranbrook appeared to have been its centre; but though it gave employment to many in Tenterden, and laid the foundation of modest fortunes, it never assumed very large proportions there.

Then, as to the manufacture of iron, there were no references to furnaces in Tenterden as were met with at Biddenden and other parts of the Weald. The grazing of Shirley Moor and Romney Marsh, in Mr. Furley's opinion, conduced more to the wealth and prosperity of Tenterden than the manufacture of iron or cloth. An important period in the history of the town was the severing it from the jurisdiction of the county and the transfer of it to the Cinque Ports as a limb of Rye. This was done by Henry VI., by letters patent, which recite that the barons and trustymen of the Cinque Ports, in return for the privileges they enjoyed by charter granted by former kings of England, were bound to find fifty-nine ships at their own charges for fifteen days at the summons of the sovereign; that the town of Rye was one of its most ancient ports where the entry of enemies and rebels into the kingdom of England frequently happened; that not only the property in Rye was reduced in value, but its inhabitants were so impoverished that they could not provide their quota of such navy as they ought to do. The king therefore granted to the mayor and barons of Rye, and to the inhabitants and tenants resident, and not resident in the town and hundred of Tenterden, that they should be of one bailiff and commonalty of the same town and hundred of Tenterden, and be a body corporate by the name of "the bailiff and commonalty of Tenterden."

Rye was no doubt glad to be relieved of a portion of its burden by its more prosperous neighbor Tenterden.

Later on (Henry VIII.) a composition was entered into between the two towns for apportioning the services to be rendered and the payments to be made by each. The next corporate change at Tenterden took place in the reign of Queen Elizabeth, when that sovereign added to its importance by substituting a mayor

for a bailiff. The parish registers date from the reign of Henry VIII. (1544). When Henry VIII. became enamored of the gay and accomplished Anne Boleyn, he paid frequent visits to Hever castle, and on one occasion visited Tenterden.

During his reign "a marvelous, abominable and seditious sermon" was preached in Tenterden upon one Easter Wednesday, and an information was laid by certain of the inhabitants and presented to the Privy Council, who gave directions for the arrest of the priest. This sermon was possibly against the supremacy of the king.

A full grammar school was founded by an ancestor of Sir Henry Heymans. It was endowed by the Rev. William Marshall in the reign of Henry VIII., and subsequently by John Mantel. The income of these endowments is now applied towards the support of the national school.

Mr. Furley said a few words about Smallhythe and its chapel in the borough of Dunborne at the southern extremity of Tenterden. The upper part of the road leading from Tenterden to Smallhythe was anciently known as Broad Tenterden, and at one time formed the most populous part of it. The chapel was licensed by a faculty from Archbishop Worham (May 5, 1509) on the petition of the inhabitants, on account of the distance from the parish church, the badness of the roads, and periodical floods. Among the few records possessed by the Corporation is a minute book in which passing events appear to have been entered in chronological order. Here we find this entry: "6 Henry VIII. (A.D. 1514-1515) the which year Smalithe was burnt on the last day of July." About thirty-five years after the fire interrogatories were issued to ascertain whether this was a chapel of ease or not. All the witnesses agreed that it was not.

According to one there were then sixty "houseling" people in the hamlet, eighty according to another, and one hundred according to a third.

There was no haven there save a creek of salt water, frequented only by lighters to fetch wood, though a little pinnacle of the king's had been brought there to be repaired, thus connecting Tenterden with the Cinque Ports and royal navy.

The threatened invasion during the reign of Elizabeth led to the mustering, arming, and training the inhabitants of Tenterden as a limb of the Cinque Ports.

A beacon or fire signal was hung at the top of the church on a pole eight feet long. It resembled an iron kettle. Watchmen were stationed near it at night, while during the day a light-horseman, called a hobiler, was in readiness to communicate with Cranbrook and the neighboring stations.

The Corporation minute-book, when recording the visit of Queen Elizabeth at Bartholomew-tide, in 1571-2, to Rye, Hempsted, and Sissinghurst, makes no mention of Tenterden. Her Majesty visited the Weald on two or three occasions, since which time royal visits have been few.

Within two months of the restoration of Charles II. (March 19, 1660) Tenterden Court Hall was burnt down, and the Corporation chest with its charter and ancient documents were destroyed. Mr. Furley in closing his paper made some reference to the Skeets family, who were influential clothiers in Tenterden during the seventeenth century, and carried on business at West Cross for three generations. James Skeets was mayor of Tenterden in 1643 and on two other occasions. There are entries in old waste books showing the extent of the business he carried on. The factory business was not then known, and the making of cloth was a domestic employment. John Tylden was another influential clothier at that time in Tenterden, and carried on business as you enter the town from Cranbrook.

The cloth made was despatched to London and to the neighboring fairs. Most of the leading clothiers were also graziers. The Skeetses held Morgue under the Colepeppers. The leading shopkeeper at this time was Susan Butler. She was a general dealer, and had a well-stocked shop. By the end of the eighteenth century the manufacture of iron and cloth in the Weald had ceased. The former trade was transferred to Merthyr Tydvil, Aberdare, etc., and the latter to Leeds and Bradford. The inhabitants of the Weald were amongst the earliest and foremost to expose the errors of the Romish church, and with the aid of the Flemish clothiers they fostered the Reformation. Zeal sometimes carried them beyond discretion, for amongst the prominent leaders of Wat Tyler's rebellion were men from Tenterden and Smallhythe.

Richard Owen, of Tenterden, was one of those excepted from the general pardon; and, as might be expected, this district supplied its full quota of the followers of Jack Cade.

Mr. Furley, in ending his sketch of Tenterden in by-gone times, added a hope that modern Tenterden might be prosperous, and its inhabitants happy.

Captain (Tylden) Pattenson moved a vote of thanks to Mr. Furley for his very interesting paper.

APPENDIX TO SUPPLEMENT, No. 4

Good people all, both great and small,
Of every occupation,
I pray draw near, and lend an ear
To this our true relation.

'Twas of a fright, happen'd one night,
Caused by the bull-frog nation,
As strange an one as e'er was known
In all our generation.

The frogs we hear in bull-frog shire,
Their chorister had buried;
The saddest loss, and greatest cross,
That ever they endurèd.

Thus being deprived, they soon contrived
Their friends to send to, greeting,
Even to all, both great and small,
To hold a general meeting.

Subject and lord, with one accord
Now came with bowels yearning,
For to supply and qualify,
And fit a frog for learning.

For to supply, immediately,
The place of their deceased,
There did they find one to their mind,
Which soon their sorrows eased.

This being done, the glorious sun
Being down, and night advancing,
With great delight they spent the night,
In music and in dancing.

And when they sung, the air it rung;
And when they broke in laughter
It did surprise both learn'd and wise,
As you shall find hereafter.

A negro man, we understand
Awoke and heard the shouting;
He ne'er went abroad, but awak'd his lord,
Which fill'd their hearts with doubting.

With one accord they went abroad,
And stood awhile to wonder;
The bull-frog shout appeared, no doubt,
To them like claps of thunder,

Which made them say, the judgment day,
Without a doubt, was coming:
For in the air, they did declare,
Was very awful drumming.

Those lawyers' fees would give no ease,
Tho' well they're worth inditing;
To pray they kneel — alas! they feel
The worm of conscience biting.

Being thus dismayed, one of them said,
He would make restitution,
He would restore one half or more —
This was his resolution.

Another's heart was touched in part,
But not pricked to the centre;
Rather than pay one half away,
His soul, he said, he'd venture.

Then they agreed to go with speed
And see what was the matter;
And as they say, they by the way
Repenting tears did scatter.

They travelled still unto the hill,
With those men they did rally,
And soon they found the doleful sound
To come out of the valley.

Then down they went, with one consent,
And found those frogs a-singing;
Raising their voice for to rejoice —
This was the doleful ringing.

Home those great men returned again,
Fillèd with wrath and malice;
And mustered all, both great and small,
From prison and from palace.

And arm'd with fury, both Judge and Jury
To the Frog Pond moved,
And as they say, a fatal day
To the frogs it proved.

This terrible night, the Parson did fright
His people almost in despair;
For poor Windham souls, among the bean-poles,
He made a most wonderful prayer.

Lawyer Lucifer called up his crew,
Dyer and Elderkin, you must come too;
Old Col. Dyer, you know well enough,
He had an old negro, his name was Cuff.

"Now, Massa," says Cuff, "I'm now glad enough
For what little comfort I have;
I make it no doubt, my time is just out,
No longer shall I be a slave."

As for Larabie, so quickly was he,
He durs't not stir out of his house;
The poor guilty soul crept into his hole,
And there lay as still as a mouse.

As for Jemmy Flint, he began to repent,
For a Bible he ne'er had known;
His life was so had, he'd give half he had
To old Father Stoughton for one.

Those armèd men, they killèd them
And scalped about two hundred;
Taking, I say, their lives away,
And then their camp they plundered.

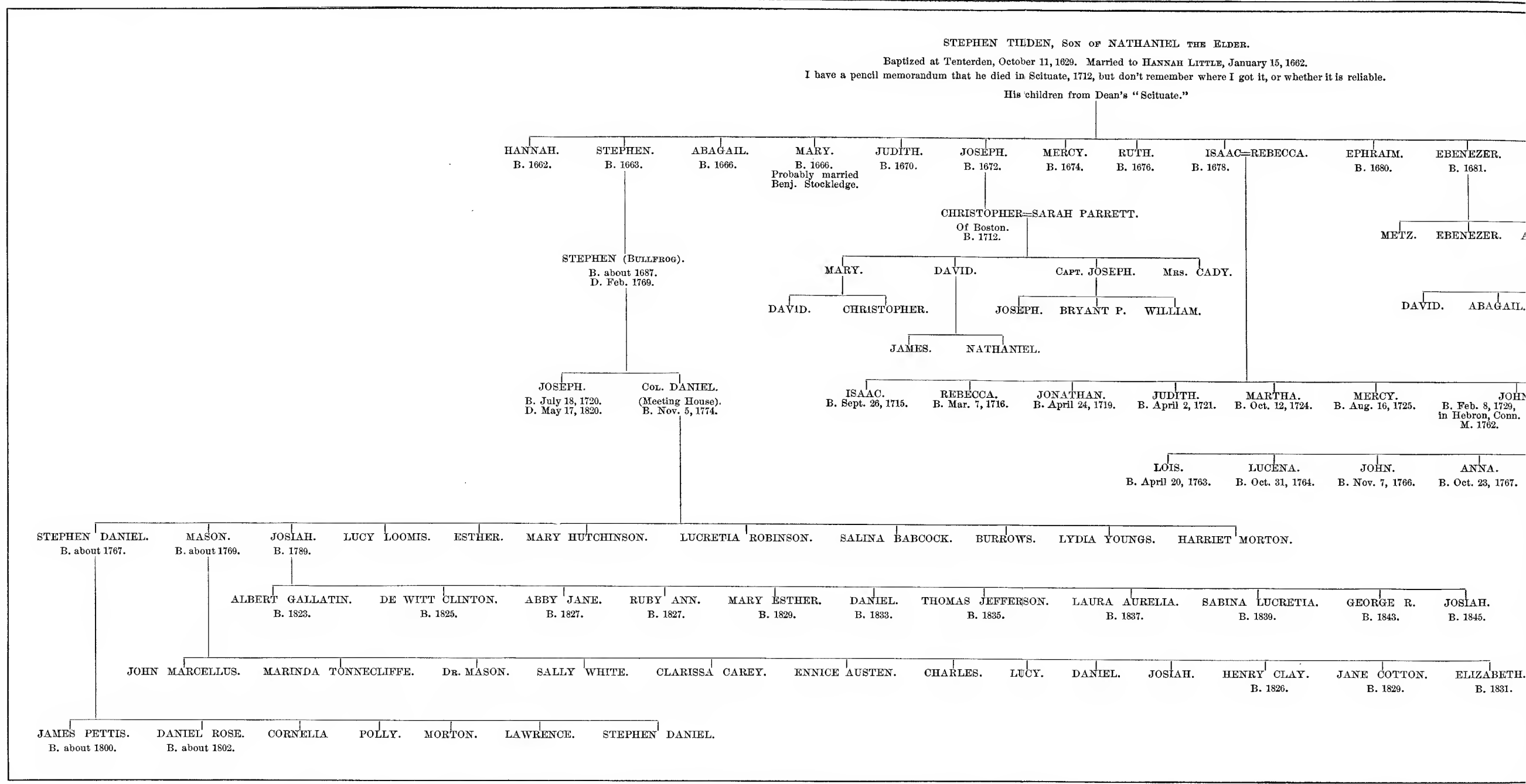
Those lusty frogs, they fought like dogs,
For which I do commend them;
But lost the day, for want, I say,
Of weapons to defend them.

I had this story set before me,
Just as I have writ it;
It being so new, so strange and true,
I could not well omit it.

Lawyers, I say, now from this day
Be honest in your dealing;
And never more increase your store,
While you the poor are killing.

For if you do ill, I'll have you know,
Conscience again will smite you;
The bull-frog shout will ne'er give out,
But rise again and fright you.

Now Lawyers, Parson, Bull-Frogs all,
I bid you all farewell,
And unto you I loudly call
A better tale to tell.



DAVID=ABAGAIL FITCHER.

B. 1685.
M. in 1710.

And others.

AIL.	HANNAH.	ELIJAH.	MARY.	EZRA.
	B. 1715.	B. 1719.	B. 1722.	B. 1724.

JOHN=BATHSHEBA JANES.

129,
onn. B. 1743.

	OLIVE.	CYNTHIA.	ELAM=POLLY Y. JONES.
767.	B. Oct. 1, 1772.	B. Sept. 17, 1774.	B. Dec. 31, 1781, in Lebanon, Conn. M. Feb. 8, 1802.
			B. Mar. 20, 1782.

JOHN.	MARY B.	MARY B.	MOSES Y.	SAMUEL J.	GEORGE F.	HENRY A.	HENRIETTA A.
B. 1802.		B. 1809.	B. 1811.	B. 1814.	B. 1817.	B. 1821.	B. 1821.
D. 1823.					D. 1835.		D. 1839.

ETH.
31.

APPENDIX TO SUPPLEMENT, No. 6

DOCTOR YOUNGLOVE, after his return from captivity, wrote a poem describing some of the scenes which he had witnessed, and detailing his wanderings and sufferings. I shall make some extracts from this poem, not that they contain many poetic beauties, but because they delineate some striking customs of the Indians. The poem comes from the pen of the hero himself, who might with truth exclaim “*pars magna fui.*”

The first extract is a description of the battle of Oriskany.

The time and place of our unhappy fight,
To you at large were needless to recite :
When in the wood our fierce inhuman foes,
With piercing yell from circling ambush rose ;
A sudden volley rends the vaulted sky ;
Their painted bodies hideous to the eye ;
They rush like hellish furies on our bands,
Their slaughter weapons brandished in their hands ;
Then we with equal fury join the fight,
E'er *Phæbus* gained his full meridian height,
Nor ceas'd the horrors of the bloody fray
Till he had journeyed half his evening way.
Now hand to hand, the contest is for life,
With bayn't, tom'hawk, sword, and scalping knife ;
Now more remote the work of death we ply,
And thick as hail the showering bullets fly ;
Full many a hardy warrior sinks supine,
Yells, shrieks, groans, shouts, and thund'ring volleys join ;
The dismal din the ringing forest fills,
The sounding echo roars along the hills,
Our friends and foes lie struggling in their blood,
An undistinguished carnage strew the wood ;
And ev'ry streamlet drinks the crimson flood.
True valour, stubbornness and fury here,
There fell revenge, despair and spite appear ;
Long rag'd surrounding death, and no deliv'rance near ;

While mangled friends, not fated yet to die,
Implore our aid, in vain, with feeble cry.
Of two departments were the assailing foes,
Wild savage natives lead the first of those.
Their almost naked frames, of various dyes, . . .
And rings of black, and red, surround their eyes;
On one side they present a shaven head,
The naked half of a vermilion red, —
In spots the party-colored face, they drew
Beyond description — horrible to view :
Their ebon locks in braid, with paint o'erspread,
The silverd ears depending from the head ;
Their gaudry my descriptive power exceeds,
In plumes of feathers, glitt'ring plates, and beads.
With them, of parricides, a bloody band,
Assist the ravage of their parent land :
With equal dress, and arms, and savage arts,
But more than savage rancour in their hearts,
These for the first attack their force unite,
And most sustain the fury of the fight ;
Their rule of warfare, devastation dire,
By undistinguish'd plunder, death and fire,
They torture man and beast with barb'rous rage,
Nor tender infant spare, nor reverend sage.
O'er them a horrid monster bore command,
Whose inauspicious birth disgraced our land
By malice urged to every barb'rous art,
Of cruel temper — but of coward heart ;
The second was a renegade crew,
Who arm and dress as Christian nations do ;
Led by a chief who bore the first command,
A bold invader of his native land.
Such was the bloody fight ; and such the foe ;
Our smaller force returned them blow for blow.
By turns successfully their force defy'd,
And conquest wavering seem'd from side to side.

The following is a description of a scene the night after the battle :

Not half the savages returned from fight.
They to their native wilds had sped their flight ;
Those that remain'd a long encampment made,
And rising fires illumin'd all the shade ;
In vengeance for their num'rous brothers slain,
For torture sundry prisoners, they retain ;

And three fell monsters, horrible to view,
A fellow pris'ner from the sentries drew;
The guards before receiv'd their chiefs' command,
To not withhold us from the slaughtering band;
But now the sufferers' fate they sympathise,
And for him supplicate with earnest cries.
I saw the General slowly passing by.
The sergeant on his knees, with tearful eye
Implor'd the guards might wrest him from their hands,
Since now the troops could awe their lessened bands;
With lifted cane the Gen'ral thus replies:—
(While indignation sparkled from his eyes)
"Go, sirrah! mind your orders giv'n before!
And for infernal rebels, plead no more!"
For help, the wretched victim vainly cries
With supplicating voice and ardent eyes.
With horror chill'd, I turn away my face
While instantly they bear him from the place.
Dread scene! with anguish stung, I inly groan,
To think the next hard lot may be my own:
And now, I poring sit, now sudden start,
Through anxious agitation of my heart:
In every bush the coming foe appear,
Their sound in ev'ry breeze I seem to hear.
Nocturnal shades at length involve the sky,
The planets faintly glimmer from on high,
When through the grove the flaming fires arise
And loud resound the tortur'd pris'ners' cries.
Still as their pangs are more or less extreme,
The bitter groan is heard, or sudden scream,
But when their natures' fail'd and death drew near
Their screeches faintly sounded in the ear.
Tremendous night of woe beyond compare!
I beg for death in anguish of despair;
No gleam of hope! no rest my soul could find.
Approaching torture gnawing on my mind,
Until *Aurora* purpled o'er the skies,
Then gentle slumber seal'd awhile my eyes;
But trouhled dreams arising in my head,
My fancy to the scene of battle led;
The fatal wood, my weeping eyes survey,
Where pale in death my slaughter'd neighbors lay;
A long adieu, I cried, my brethren slain!
No more to joy my longing soul again.
Who shall protect your wives, with guardian care,
And babes abandoned to the rage of war?

Decrepit parents, with the feeble groan,
Shall wail your fate, their country's and their own ;
While, lost to all, you here unburied lay,
To feast the ravens and the beasts of prey ;
Yet by your slaughter, safe arriv'd on shore,
The storm of wars shall break your peace no more.
Each honest soul your mem'ry shall revere,
And pay the tribute of a tender tear ;
Oh ! had I too partook your calm repose,
In safe retreat beyond the pow'r of foes,
I had avoided, by a milder Fate,
Dread Horrors past ! and tortures that await.

His own day of trial and suffering at length came on, and he thus describes it :

Now did the dreadful morn at length arise,
And *Sol* through mists reluctant climbed the skies,
When savages, for horrid sport prepared,
Demand another prisoner from the guard.
We saw their fear'd approach with mortal fright,
Their scalping knives, they sharpened in our sight.
Beside the guard they sat them on the ground,
And viewed, with piercing eyes, the pris'ners round ;
As when a panther grim, with furious eye,
Surveys the tender lad, he dooms to die.
The lad beholds him, shiv'ring with affright
Sees all resistance vain ; despairs of flight.
So they on me their glaring eyeballs roll,
And such the feelings of my shudd'ring soul ;
At length one rising seized me by the hand,
By him drawn forth, on trembling knees I stand.
I bid my fellows all a long Adieu,
With answering grief, my wretched case they view.
They led me bound, along the winding flood
Far in the gloomy bosom of the wood ;
There (horrid sight !) a prisoner roasted lay,
The carving knife had cut his flesh away.
Against a tree erect, I there was bound,
While they regaled themselves upon the ground,
Their shell of spirits went from hand to hand,
Their friends collecting still a num'rous band.
So passed the day ! what terrors in me reign !
I supplicate for instant death in vain.
I think upon this breach of nature's laws,
My family, my friends, my country's cause ;

Around me still collect my bloody foes,
Still in my mind approaching torture rose,
The skeleton in open prospect lay;
Chaos of woeful thought employ'd my wretched day,
How on a neighb'ring green high jutting o'er,
Where underneath the rapid waters roar,
There round a fire, their heaps of fuel rise,
Nocturnal shadows thick'ning in the skies.
Beside the fire I tremble at the stake,
The num'rous herd, a spacious circle make;
And as the flames advancing rise in air
Within the ring my torturers repair:
With whoop and dance, they tune the deathful song,
Along the margin crowd the sportive throng;
When lo! the failing bank beneath the load,
Broke short and plunged us headlong in the flood.
In transport down the stream my course I made,
With dismal cries resounds the gloomy shade,
The floating stake adhering by a thong,
With nose above the stream I steal along.
Through all the vale a fruitless search they made;
And fearful howlings rung along the shade,
When to the camp again their way they steer,
Their distant clamour murmuring in my ear;
Far down the stream, where lies a naked strand,
With shivering limbs, I softly crept to land,
The stake upon the shore, I trailed along,
Then joyfully unbound each fettering thong,
And for the neighboring road in haste depart,
The hope of freedom dawning in my heart;
Through gloomy thickets far, I grope my way,
And bri'ry heaths where pines extended lay,
Now thoughts of home my ravish'd soul delight,
Now distant savage yells my mind affright;
Still I my way with all my pow'r pursued,
Still did the road my anxious search elude,
Long time I grop'd the rough uncertain way.
Through erring course, I wander'd far astray,
Nor moon, nor star, would lend a friendly ray,
Then laid me down dejected and forlorn,
To rest my weary limbs and wait the morn;
E'er long my leafy couch I there had pressed,
Exhausted nature sunk to quiet rest.

He was retaken and carried to the far West by a different tribe. The following is a description of the arrival of the tribe at their village, and of his running the gauntlet:

Their glad return, through all the place was told,
Next morning they convene both young and old;
The band equipt in all their war parade;
Into the town a formal entry made;
They led me up, triumphing with delight
With all their spoils and trophies of the fight
Except the scalps, for these they had their pay
From British agents ere they came away.
They end their march, where high upon the green
A num'rous crowd of every age was seen;
The hoary parent bowing down with years,
The mother with her tender train appears,
The youthful archer bends his little bow,
And sportive striplings gamble in the row,
Warriors, and hunters, trick'd in best array,
And youthful maids their tawny charms display,
With scarlet cloth, rings, beads, and ribbons gay.
I trembled when I to the crowd was brought,
The stake, and flames arising in my thought;
But soon my guard approaching to my ear
Bid me confide in him, and nothing fear;
There in a spacious hut, on either hand,
Two lengthy rows with sticks and weapons stand,
Then stripp'd I was to pass between the rows,
And each inflict at pleasure wounds and blows;
My keeper gently struck, then urged my flight,
Between the ranks I fled with all my might
As when some farmer blest with plenteous yield,
His crop of buckwheat thrashes in the field,
The men and boys with flail in hand around,
Clap after clap loud constant chatt'rings sound,
The straw all crushed in broken pieces lie;
The grain around the thrashers' faces fly;
So as with naked frame I pass along,
Resound the strokes of all the furious throng;
So by their blows my mangled skin is broke,
And so the sputt'ring blood pursues the stroke.
Two female furies at the further end,
Their brother slain in fight, my death intend.
Enraged, they maul with clubs my bleeding head,
And doubtless would e'er long have laid me dead,
But quickly did their father interpose,
And then my keeper fended off their blows;
I blest the thought that once his death withstood,
And checked my hand when rais'd to shed his blood.
The aged sire adopts me for his son.
Rejoic'd I put the savage habit on;

With honorary paint, in blanket dressed,
I stand installed an Indian with the rest.
The sire in gayest fashion shaved my head,
Then to his home rejoicing I was led.
They used me tenderly, my wounds they healed,
But deeper wounds within remain concealed;
My wife, my country, friends and blooming child,
Exchanged for captive bands in regions wild.
These thoughts incessant did my bosom rend,
And often did the painful tear descend.

(Campbell's "Border Warfare of New York," Appendix, pp. 32 to 40.)

APPENDIX TO SUPPLEMENT, No. 7

“IN the year 1660, when monarchy was restored in England, many who had acted prominently in the revolution which had thus suddenly gone backward were obliged to flee for their lives. Some fled to different countries on the continent of Europe; some sought a retreat in the obscurity of the American settlements; and some not making their escape betimes died by the tortures and hideous mutilation which the barbarity of the English law inflicted upon those whom it condemned as traitors.

“Among those who came to New England were three of the men who acted as judges in the trial of King Charles I., and who feared not to sign the death-warrant of a king found guilty of treason against his people. Two of these, Edward Whalley and William Goffe, who, in consequence of the rank they had held in the armies of the Parliament and in the Commonwealth of England, were especially obnoxious to the restored king and to his triumphant partisans, arrived at Boston on the 27th of July, 1660, in the same ship as brought the first news of the king's restoration.

“Whalley was closely connected with Cromwell by kindred as well as by the tie of a common political interest. He was the colonel of that regiment of cavalry in the Parliament's army in which Richard Baxter was chaplain; and between him and the author of ‘Saint's Rest’ there was an intimate friendship, not only while Baxter continued in the army, but afterwards when Whalley had become, under the protectorate of his cousin Cromwell, one of the chief officers of the empire. To him, in token of their continued friendship, Baxter dedicated one of his works, in an epistle which is among the most beautiful examples of that kind of composition. Alluding to the honors which then clustered upon the head of the veteran warriors, he said, ‘Think

not that your greatest trials are now over. Prosperity hath its peculiar temptations, by which it hath foiled many that stood unshaken in the storms of adversity. The tempter who hath had you on the waves will now assault you in the calm, and hath his last game to play on the mountain, till nature cause you to descend. Stand this charge and you win the day.'¹

"How beautiful the prediction, but how short-sighted!

"Goffe was the son-in-law of Whalley, and, like him, having distinguished himself in the army, in which he rose to the rank of major-general, he became a member of Cromwell's House of Lords, and was one of the principal supporters of the Cromwell dynasty. So eminent was he, that it was thought by some that he might in time become the head of the empire.

"When these men arrived in Boston with the news of the king's restoration they were at first received with undisguised attention by the governor of that colony and the principal inhabitants.

"For some time they resided openly at Cambridge, where they attended public worship and were active in private religious meetings, and were received to occasional communion in the church by virtue of letters which they brought from the churches in England, with which they had been previously connected. As they became personally known, they were greatly respected for their piety, as well as for their talents and intelligence. It was hoped that in so distant a part of the world as this, they would escape the notice of their enemies; and the first rumors that followed them from England gave some confirmation to that hope. But in November the act of indemnity arrived, which secured all, with certain exceptions, against being called in question for anything which they had done against the government since the beginning of the civil wars; and it appeared that these two men, with many others, were excepted from the general pardon. Still, however, compassion and friendship prevented the government of Massachusetts from taking any measures to arrest them. On the 22d of February, 1661, the governor called his council together to consult about seizing them; but the council, not having yet received any special order on that subject, refused to do anything.

"Four days after this the two regicide judges, foreseeing that a warrant or order for their arrest must soon arrive from England, and that Governor Endicott and their other friends there would

¹ Baxter's "Practical Works" (Ormes ed.), I. 453.

in that case be unable to protect them, left Cambridge, and, passing through Hartford, where they were hospitably received by Governor Winthrop, arrived at New Haven on the 7th of March. Almost immediately after their leaving Cambridge, and before they had reached this place, the king's proclamation, denouncing them as convicted traitors, was received at Boston; and thereupon a warrant was issued by the government there, and a search was made at Springfield and other places, where they were sure not to find them.

"Here the people were prepared to receive them and to stand by them." (Pp. 123-125.) [The title of this authority is wanting.]

"Mr. Davenport had preached a long series of sermons inculcating the duty of protecting them. One of his texts was from Isaiah: 'Take counsel, execute judgment, make thy shadow as the night.' By such appeals and arguments were the people of New Haven prepared to receive the regicides with kindness and to protect them in the face of the king's displeasure. The regicides themselves had special reasons to expect the most friendly treatment here. The sister of General Whalley, Mrs. Hooke, had long resided here, her husband being for twelve years Mr. Davenport's colleague here in the work of the ministry.

"Mr. William Jones, whose father within a few weeks after their departure from England had suffered death for the same act for which they were thus hunted through the wilderness, and who, having married in London the youngest daughter of the late Governor Eaton, had recently come to this country, was here, and ready to show them all kindness for his father's sake.¹

"At first 'the colonels,' as they were commonly called, showed themselves here openly, as they had done at Boston; so that their persons, their danger, and the part they had acted were well known to the whole community. It was reported that on a training day they said expressly, in the presence of the whole military company, that if they could have but two hundred men to follow them, they would not fear to stand against all their enemies in Old England and in New.

"But after some twenty days the news of the king's proclamation against them having arrived, they were under the necessity

¹ Kingsley, 76. The tradition that Mr. Jones came over in the same ship with the regicides is, I suspect, unwarranted. Dr. Stiles says, "he came over in the fall of 1660." (Stiles, 69.)

His name first appears on the town records Feb. 25, 1661.

of concealing themselves. To do this more effectually they went as far as Milford, and took pains to be seen there, as if they were proceeding towards the Dutch settlement at Manhadoes; but immediately returned to this place under cover of the night, and were received by Mr. Davenport, in whose house they were hid for more than a month, when they removed across the street to Governor Eaton's house, then occupied by Mr. Jones.

“Near the last of April an express mandate from the king was received by the Governor of Massachusetts requiring him to cause the traitors Whalley and Goffe to be seized. The whole country was alarmed, and Massachusetts feeling that she had much to account for in the matter, and that her all was in jeopardy, seems now to have been in earnest to apprehend them, and to make peace by giving them up as victims. Accordingly the Governor and Council at Boston gave a commission to two zealous young royalists, just from England, to go through the colonies as far as Manhadoes in pursuit of them.

“On the 11th of May these pursuers, Thomas Hellond and Thomas Kirk, arrived at the house of Deputy Governor Leete, in Guilford, who was then acting as chief magistrate of the jurisdiction, in consequence of the death of Governor Newman a few months before. Governor Leete read their letters and the copy which they brought of the king's mandate, but showed no great alacrity in promoting their object. He assured them that he had not seen the men in several weeks, and that they were probably gone out of the jurisdiction. The next day was the Sabbath, and by one hindrance and another the pursuers were detained at Guilford till the morning of the 13th, when at the break of day they started for New Haven with a letter from Governor Leete to Mr. Gilbert, the magistrate of this place, advising him to call the town court together, and by their advice and concurrence to cause a search to be made. Early as they started, it appears that some one else left Guilford before them in the night, and arrived here in time to give information that they were coming.

“They found the magistrate not at home, but on the arrival of the Governor himself some two hours after them, with the magistrate of Branford, whom he had brought with him, on the principle that in many counsellors there is safety, a long consultation was held in the court-room.

“The pursuers insisted that the regicides were hid in some of the houses in this town, and that all their information pointed particularly to the houses of Mr. Davenport and Mr. Jones; and they demanded of the Governor a warrant to search for them. The Governor and magistrates, on the other hand, maintained that the colonels had gone towards Manhadoes; and in truth, whatever suspicions and fears they might have, they knew nothing of their concealment. As for the warrant which was demanded, they had constitutional and legal scruples; for Governor Leete was educated a lawyer. The Governor told the two pursuers that he could not and would not make them magistrates of this jurisdiction, as he should do if he were to invest them with power to enter men’s houses and search for criminals. Besides, the king’s mandate which they brought with them appeared to be addressed to the Governor of Massachusetts as if he were Governor of all New England, and to others only as subordinate to him; and the magistrates feared that by acting under such a mandate they might acknowledge a governor-general, and might thus be guilty of betraying the trust committed to them, under oath by the people, from whom alone they derived their power. When the pursuers asked the magistrate whether they would honor and obey the king in this affair, the Governor replied, ‘We honor his majesty, but we have tender consciences.’ When they urged again the same consideration and demanded to know whether they would own his majesty or not, the answer was given that they would first know whether his majesty would own them.

“So in the end, after much consideration and delay, ‘the case being weighty,’ it was resolved to call the General Court for the effectual carrying on of the work. Meanwhile the gentlemen from England were urged not to retard their own business by waiting on the proceedings of the authorities of the jurisdiction; a suggestion which implied that if they had a commission from the king which gave them the power of . . . searching, they might proceed to execute it at their own risk, and that if their commission was not sufficient for such purpose they had better go where their commission carried them.

“The pursuers accordingly made such search as they dared to make in the circumstances; they obtained full proof that the regicides had been seen at Mr. Davenport’s; they offered great reward to Indians and Englishmen for such information and aid

as should enable them to accomplish their object; they threatened Mr. Davenport with the well-known penalties of the law for concealing and comforting traitors; but they were unsuccessful; and after a day or two they went on towards the Hudson river, and thence returned by water to Boston. On the 17th of May, which was only two or three days after their departure, the General Court assembled, and after expressing many wishes that a search had been sooner 'made,' gave order 'that the magistrates take care and send forth the warrant, that a speedy, diligent search be made throughout the jurisdiction,' and 'that from the several plantations a return be made that it may be recorded.' The order was carried into effect: a search was made throughout the colony, but the fugitives were not found. Meanwhile the hunted men were at various places in the immediate vicinity of New Haven. On the day on which the pursuers arrived at Guilford (May 11) they left their concealment at the house of Mr. Jones, and found refuge during the Sabbath in the mill near West Rock;¹ thence on the 13th, the day on which the pursuers came to New Haven, they went into the woods, and were conducted by some trusty friends to a hiding-place now included within the bounds of Woodbridge, which afforded them lodgings for two nights. On the 15th of May they removed to the cave on the side of West Rock, which was their residence till the 11th of June, while the whole colony was searched to find them. They were informed of all that was doing. They stood ready to surrender themselves rather than that anybody should suffer on their account; and at last, knowing Mr. Davenport's danger, they left their refuge and came into town to deliver themselves up to the authorities here. They ventured to be seen here so publicly as to clear Mr. Davenport from the suspicion of still concealing them. They caused information to be conveyed in some way to Governor Leete that they were ready to surrender if it was necessary, but he did nothing towards commencing such a treaty; and the next day they were informed by some of their friends that there was no occasion for so desperate a measure. After this they retired again to their cave, and continued there and in similar places till the 19th of August, when, it being generally supposed that they had made their escape to parts unknown, they came into the centre of Milford, and obtained a

¹ The site of that mill is now occupied by the manufactory of Blake & Brothers.

lodging-place in a house there, in which they continued in the most perfect seclusion for several years. In October, 1664, they removed to Hadley, in Massachusetts, where the minister of the place, Mr. Russell, had made arrangements to receive them; and under his roof they rested for the remainder of their days." (Pp. 129-133.)

APPENDIX TO SUPPLEMENT, No. 8

IN a letter dated Sept. 9, 1651, he mentions the extreme sickness of his wife. In that letter was enclosed another "To Brother Humphrey Jones of my wifes' sickness."

In a letter to Thomas Scott, dated Sept. 16, 1651, he says, "This is the second tyme since I came to Ireland that my wife hath bene soe neare death, as was past hopes of Recovery."

"Letters sent by the Post, ye 9th of October 1651. To Mr. Humphrey Jones, my brother; my wifes' sickness, &c. To Bro. Jonathon Edw. to come over and bring Ann or Mary Edward^s wth him."

In a letter to Mr. Scott, dated 26th of December, 1651, he says: "The Lord in much mercy to her (hath now given a period to) by taking her to himselfe, a more religious, discreet, and lovely creature, I believe never dwelt in this unhappy land."

In a letter to Mr. Morgan Lloyd, dated Aug. 23, 1652, he says: "The Lord reward your great love and kindness to my boy and give strength to (my deare friend) your wife. I thanke you for your freedome with mee as to marriage. I desire to know from whom and of whom the report you mention came; and for your satisfaction I doe really profess unto you that since the departure of my deare wife (of most pretious memory) I have not seene, nor do I know nor can thinke of that woman on whom I have pitched my thoughts to bee in that relation to mee, and if all the world were sett before mee, to make my choice off, my thoughts doe not yett lead mee to any-one numerically, my minde as yett suites not with the ofspring of this climate. If I were in my native country and could meete with one endued with soe much grace, meekness, humility, love, comeliness, and wisdom, as she had who is removed from mee, and one that in the course of nature might promise children, and would love my boy as her

owne, and be content he should be The Elder Brother, I should blesse God for such an acquaintance."

In a letter to Mr. Morgan Lloyd, dated 30th September, 1653, he speaks of "my boy."

The Protector Cromwell died on the 3d of September, 1658.

In a postscript of a letter to Lord General Fleetewood, dated in October, 1659, Colonel Jones says: "My wife is through mercy in a good measure recovered of her late distempers w^{hch} was y^t w^{ch} she had for these 3 yeares."

In a letter to the Right Hon. the Lord Richard Cromwell, dated 12th of March, 1660, he says: "M^r. Waterhouse informs me y^t yo^r Lo^{pp} have been pleased to interdict the Paym^t of the annuity w^{ch} his late Highnes yo^r father settled upon my wife, untill you should signifie yo^r further pleasure therein, I believe it is not unknowne to yo^r Lo^{pp} upon what consideration the Interest to y^t Annuity came unto mee.

"I was ingaged by agreem^t before marriage to settle upon her 300^{li} p-ann: Joynture w^{ch} I have done. The annuity above mentioned, his late Highnes assured mee he had settled upon her dureing her life, besides some other Emoluments which I had intimation of I should have, but came short of, occasioned probably by my own indiscretion.

"Truely S^r I thought there was not in ye world better security for 120^{li} p-ann. during an auncient life than his worde and Deede under his hand and seale. I cannot believe y^t his Highnes intended there should be any discontinuance of that annuity, and it were very unworthy in me to thinke soe, neither can I give way to my thoughts to apprehend otherwise of yo^r Lo^{pp} but you will be pleased to make good his Highnes' acte, although by the letter of Lawe you may possibly avoyde it."

In a letter to Her Highness, Dowager, dated 4th of April, 1660, he says: "But being informed y^t y^r Highnes & yo^r ffamily are very highly offended wth mee for reasons not yet come to my knowledge, I humbly conceived it more prudent and less offensive to forbear yo^r presence untill it please God by some meanes to give me opportunity to remove those apprehensions w^{ch} yo^r Lo^{pp} is possessed wth, concerning mee, and w^{ch} I dare affirme wilbee found fictitious when honestly and candidly examined. I am loath to mencon what sadde impression those misunderstandings seeme to make upon my L^d Richard yo^r Soune by his interdicting

or withholding y^e paym^t of y^t Anuity w^{ch} his late Highnes, now wth the Lord settled upon my wife, alledgdg y^t his father had no Power to Graunt it.

“But I hope when he may bee pleased to seriously consider it, he willbee more tender of his fathers Hou^r then to make his Act under his Hand & Seal, voyd.”

APPENDIX A

ORIGIN OF THE TWEED RING.

MEMORANDUM OF CHARLES O'CONOR.

COURT OF APPEALS.

STEPHEN CLARK *v.* THE MAYOR, ETC., OF NEW YORK.

THE history of this case is somewhat remarkable. It covers a period of important changes. It was tried three times, and the result of each trial was reviewed in the court of last resort. It was argued there seven times. The judgments in the court of first instance were all for the plaintiffs; two of these judgments were reversed and the last was, in a very singular and as I think in a most irregular and unwarrantable way, affirmed in part, to the great injury of our city treasury.

The case was commenced in 1843 (p. 132), whilst the constitution of 1821 was in force.

Of course it was initiated under our original judicial system and according to the ancient practice.

During its pendency the new judiciary of 1846 came into being, as also did at a late period (A.D. 1848) the Code of Procedure.

Its three journeys to the court of last resort occurred whilst that tribunal was organized according to the constitution of 1846, and what may be deemed greater changes occurred during its pendency.

The political party which almost from the beginning had controlled the general policy of the federal government, passed out of power.

When it commenced, not even one life had ever been taken for

the crime of treason or been lost in a rebellious effort; public debt was almost unknown, and the whole country was moving onward in a career of prosperity unparalleled in magnitude and promise by anything recorded in the history of mankind. Official malversation was rare, and was confined to isolated instances of individual criminality.

Descending to detail as to a single department, it may be added, that the interests of the American metropolis had always received in judicial controversies an honest and faithful advocacy.

Between its commencement and its close there were changes of a social nature as well as in governmental policy and official habits.

At the first-mentioned period frugality prevailed in private life; considerable amounts were rarely involved in litigation; moderate gains on each business operation satisfied desire; the acquisition of wealth was not dreamed of (unless in some secret gambling saloon), save as the result of a long and laborious career of patient and sedulous effort.

How little public jobs, greatly gainful to individuals, were even thought of, much less carried on as a disguise for rapine, might be happily illustrated by references to the most important and beneficial enterprises theretofore known, say the Erie canal and the Croton aqueduct.

Of things precedent to and yet existing when this suit was commenced in 1843, let this view suffice.

There is no need of showing in detailed contrast how mischievously, in every point adverted to, our condition was varied during the twenty years of its pendency, or how it stood at the termination in 1864. That contrast is open to all eyes.

The case and its attendant circumstances might furnish materials for an illustrative page, if not a chapter in his epic or his annals, should our decline derive sufficient interest from our consequent fall, to tempt in future times the genius of a poet or the pen of a historian.

But a truce to moralizing: let us proceed to the narrative. The plaintiffs had constructed the Croton reservoir at Eighty-sixth street.

In alleged conformity with a power reserved in the contract to alter the form, dimensions, or materials of the work, the defendant

engineer had ordered a diminution in the depth of the reservoir. (*Ante*, p. 757.)

The plaintiffs disputed the propriety of this order, and claimed to recover as damages the difference between the contract prices of the excavation dispensed with by this order and the less sum which its performance would have cost.

This claim may be stated in round numbers at \$45,000. The first peculiar feature in the prosecution was laying the venue in Albany.

It cannot fairly be assumed that there was any artifice in this.

It is believed that no similar claim against the city had ever previously been tried elsewhere than in the city; but the eminent law firm, Reynolds & Beuedict, who were the plaintiffs' attorneys, resided in Albany, and of course, as any attorneys would have done, they consulted their own convenience in naming the place of trial; and the law department of the city of New York did not move to change it, but, as to this point, went unresistingly to trial before referees in Albany.

According to what is believed to be the universal referee system in suits against the city of New York, the plaintiffs recovered.

On appeal to the General Term, Harris, J., of Albany, gave an opinion in favor of the plaintiffs on the merits.

With him concurred a member of the bench, who was subsequently removed by the Legislature for incapacity. Hon. Seward Barculo filed a strongly expressed dissent. (See *Clark v. Mayor*, 3d Barb. p. 299, 300.)

This judgment was reversed in the Court of Appeals (4th Comstock's R. p. 338). No question affecting the merits was then brought before the Court of Appeals. The reversal went upon a technical point, which need not be further attended to.

It never again arose. New referees were appointed in May, 1851, and Charles O'Connor was retained by the city law department to conduct the defence.

He had entire charge of the case thenceforth, to its close, in 1846. The eminent senior of the law firm before mentioned gave place to, or was now supplemented by, the late Nicholas Hill, Jr.

Thence until May 1, 1859, when he died, Mr. Hill was an active counsel in the case. He argued it before the referees and in the Court of Appeals.

On this the second trial, the referees decided in precise con-

formity with the first decision, giving interest, however, in addition to the amount properly awarded.

Interest had not been before claimed. (*Ante*, pp. 712 to 733.) Exceptions having been taken by the city and an appeal entered in its behalf, the Albany General Term in May, 1885, held by Amasa J. Parker, William B. Wright, and Ira Harris, JJ., affirmed the judgment of the referees.

(*Ante*, pp. 383, 385.) Of course this must almost inevitably have been the result in that district so long as the reported opinion of Harris, J., and his concurree above cited from 3d Barbour remained unreversed by the Court of Appeals.

As to the principal sum involved, and as to the principles of law in controversy, it was a controlling precedent in that district.

The city appealed to the Court of Appeals, and the case was twice there heard before the same judges in 1858.

Judge Harris, whose opinion had been for the plaintiffs from the commencement, was an appeal judge for that year, and some division in the court prevented a judgment.

But in 1859 it was again heard, and a judgment of reversal was pronounced which ought to have given the plaintiffs' claim its quietus. (*Ante*, pp. 733 to 750 and specially p. 744.)

The reporter's statement showed explicitly that five judges against three, forming an absolute majority, had been for the city on the principal question.

At the end of this statement will be found a copy of Judge Denio's conference minutes showing the same fact.

The case was thereafter tried in the autumn of 1860, before Gould, J., at the Albany Circuit. (*Ante*, p. 706.) On this trial the case as to the principal stood thus: the opinion of Harris, J., and his companion, reported in 3d Barbour, p. , , was a conclusive precedent for the plaintiffs unless it had been reversed with the concurrence of five judges by the Court of Appeals, and if such a reversal had taken place then that judgment was conclusive against the plaintiffs.

The plaintiffs' counsel, J. H. Reynolds, Esq., and ex-Judge Harris, produced a letter from ex-Judge Cornelius L. Allen, who, as a Supreme Court justice, had sat in the Court of Appeals in 1859, and was one of the five who voted for the reversal then pronounced.

This letter was dated at Salem in Washington county, Sept.

14, 1860. It stated that his vote was founded upon the allowance of interest, and that he neither expressed nor formed any opinion on the principal. (See it *ante*, p. 856.)

If this was true, it showed that only four judges concurred in the opinion against the plaintiffs' claim. (*Ante*, pp. 853, 856). Basing himself on this letter, Gould, J., instructed the jury to find for the plaintiffs principal and interest, and they found accordingly. The judgment on this verdict was affirmed, of course, by the Albany General Term without any written opinion being delivered. (*Ante*, pp. 709, 750.)

The city appealed to the Court of Appeals, and on the third argument of this latter appeal the judgment was affirmed as to the principal. (*Ante*, p. 914.)

There were many things about the course of this case to justify dissatisfaction.

I think the facility with which the State central machinery in politics at Albany could be employed against the metropolitan city was first learned in this case.

The case was commenced in a law office of which the head was the most prominent anti-Democrat in Albany; from and after 1851 another law office was engaged on that side, *i.e.*, that which had for its head the leading Democratic counsellor there, and for its chief business manager the (perpetual) secretary of the Democratic State committee.

The Hon. Ira Harris, of Albany, who as soon as he descended from the bench appeared as counsel for the plaintiffs, gave the opinion of the plaintiffs on the first judicial hearing. (3d Barb. S. C. R., pp. 290 to 295.)

That was an opinion, as we have seen, of a very lean majority, yet as an authority it was of conclusive force for the plaintiffs thenceforth to the very end.

It controlled on the second and third trials and on both appeals to the General Term, and it thereby placed the plaintiffs on such a vantage ground in the Court of Appeals, that on the third and final appeal it might entitle the plaintiffs to an affirmation, though not even half of the judges in that court were in their favor.

And in fact, as will be seen, it was made the basis of their substantial triumph, when at least five voices out of seven entitled the city to a reversal.

It is above stated that ex-Judge Cornelius L. Allen's letter was produced with fatal effect at the third trial.

Thereupon the city's counsel went immediately to the Hon. Hiram Denio, who was in the Court of Appeals in 1859 and 1860. He stated that Judge C. L. Allen concurred with him, Denio, in the opinion against the plaintiffs on the principal question, and so expressed himself. Judge Denio's original minutes of the consultation show this fact clearly. (See copy below.)

When ex-Judge Cornelius L. Allen's letter was produced at the Circuit and at the General Term the city's counsel asserted that the fact was otherwise, and desired an investigation to be had. He also claimed, which is plain enough, that the reporter's certificate confirmed his assertion. (*Ante*, p. 741.) But the ex-judge was deemed a better witness than the official reporter.

The city's appeal from this judgment came into the Court of Appeals in 1861. Only seven judges ever sat in it. Davies, J., having been counsel for the city, deemed it proper not to take part. And the plaintiffs, by their counsel, John H. Reynolds, Esq., moved, in 1861, to postpone the argument to the following year, because Ex-Judge Harris, the plaintiffs' counsel, being a Senator in Congress, was detained on public service in Washington, and was therefore unable to attend.

The city's counsel strenuously opposed the motion, but it was granted. Mr. Reynolds had before argued for the plaintiffs in that court, and he alone filled the office on all subsequent arguments.

Judge Harris had appeared in the case, but he never argued it at the bar.

The case on this third appeal was first argued in 1862. The plaintiffs did not bring forward the fatal letter or certificate of ex-Judge Cornelius L. Allen, although, as has been seen, they had twice previously used it, *i.e.*, at the trial and at the General Term, and they again used it on each of the two subsequent arguments in the Court of Appeals.

At this argument, in 1862, S. L. Selden, H. Denio, W. B. Wright, J. Sutherland, G. Gould, W. F. Allen, and E. Darwin Smith, JJ., presided, but they did not agree upon a judgment.

In 1863 it was again heard, and five judges did not agree to any judgment.

The final argument was heard in 1864, when Denio, Hogeboom, Mullin, and Ingraham, four judges, were for reversal as to the principal, and H. R. Selden, J., for reversal as to the interest.

Doubtless W. B. Wright and T. A. Johnson, JJ., were for affirmance.

Five of the seven judges who voted were for reversal, and of course the judgment should have been reversal. If they could not concur as to the grounds of reversal, no consequence could legitimately result from their failure except that it would prevent the decision from being a precedent.

But without a color of right or authority a compromise judgment of partial affirmance was entered corresponding to the conclusion of H. R. Selden's opinion. (*Ante*, p. 913.)

We have seen, first, that this case had not its proper venue; and, second, that the Albany judge who gave it first judicial sanction became the plaintiffs' counsel, such sanction controlling absolutely at every subsequent stage (except the second reversal).

Next we perceive that that reversal was wrongfully deprived of its legitimate effect.

Next some extrinsic history may be proper. The Albany law firm, often alluded to, had much influence upon Democratic nominations.

It had a mate in this respect on the other side. I have no doubt these dealers in party politics did in general earnestly oppose each other; but it is exceedingly probable that, in cases just like this, they mutually played into each other's hands.

It is not to be overlooked that according to the ideas prevalent in 1857 and the amounts then and theretofore commonly involved in lawsuits, the claim in this case was a most temptingly large one.

It had not entered into the minds of political jugglers at Albany to hope for such prodigious swindles as have since been perpetrated with impunity.

The first two arguments of the second appeal were had in 1858. The Hon. Ira Harris, often above alluded to, was one of the judges throughout that year.

The court was equally divided. The vote on the argument in

1859 shows that Alexander S. Johnson and George F. Comstock were for the plaintiffs, the latter on the ground that the point was not appealable. (*Ante*, p. 749.)

We have seen that it was about 1851 that the Albany Democratic law firm came into the case.

A.D. 1859 was an unfortunate year for the plaintiffs. Mr. Hill, their leading counsel, died in it.

Their second judgment was then reversed on the third argument. (*Ante*, p. 741.)

By the autumn of 1860 they got ready for the new trial, with ex-Judge Cornelius L. Allen's letter denuding the reversal of its force, and reinstating their case on the unreversed authority of Harris's opinion in 3d Barbour.

That authority was enough to control Gould, J., at the Circuit, and to control both him and his associates at the General Term. (*Ante*, pp. 751, 709.)

And here also by the force of authority, *i.e.*, a precedent, Hon. W. B. Wright was enlisted for the plaintiffs. (*Ante*, p. 709.)

His health was infirm, and for this and other causes he was not likely to review his own decision.

The last appeal from it, as above stated, was not reached in the Court of Appeals until 1861, and then the plaintiffs, on the pretence above mentioned, got the case over to the next year, *i.e.*, 1862.

The course of things in that year (1862) is above narrated. But it is proper to state here that in the fall of 1861 the political managers on the anti-Democratic side nominated Judge William B. Wright for the Court of Appeals, and the Democrats nominated for reelection Judge Comstock.

The former was elected. The plaintiffs doubtless considered their work was done when Wright's nomination was secured, and cared little which of the candidates succeeded in the canvas.

The result in 1862 was a division, the plaintiffs having Wright and Gould, JJ., committed to them by their own previous decisions founded on the Harris precedent, and W. F. Allen, the relative of precedent-reversing ex-Judge Cornelius L. Allen, also voting that way.

No more need be said. What happened in 1863 and 1864 is above stated.

Judge H. N. Selden on the Republican side, and Judge W. F. Allen on the Democratic, were the nominees of the rival parties in the fall of 1862.

Allen's opinion was known. I am persuaded Selden's was. In either result the plaintiffs might count upon a vote.

I strongly suspect that A. S. Johnson's ideas were in some way pumped from him before he was nominated in 1851.

Just after the final disposition of this case it was current talk in Albany that it had controlled a whole series of nominations.

Take its history throughout, I never knew of so much management and malversation in any other case.

Its pendency covers a momentous period in the descent of our officials to the present political avernus.

In it an apprenticeship was served by the rural plunderers of the metropolis. Dates may serve to show this.

The advent of the Democratic firm at Albany into the case was in 1851.

The Tweed system of government commenced in 1857 in company with a multitude of villainies.

In that year the annual legislation first spread out to two volumes.

At this period the plaintiffs had recovered and the case was in the Court of Appeals. (*Ante*, p. 131.)

Nominally adverse politicians then first began openly and shamelessly to play into each other's hands.

The precise idea on which Judge H. N. Selden's opinion went finds an analogy in his views as counsel in the subsequent case of *Miller v. Slate*, 15 Wallace.

Mem. prepared in 1874.

APPENDIX B

THE DEMOCRATIC PLATFORM IN 1876.

WE, the delegates of the Democratic party of the United States in national convention assembled, do hereby declare the administration of the federal government to be in urgent need of immediate REFORM; do hereby enjoin upon the nominees of this convention, and of the Democratic party in each State, a zealous effort and coöperation to this end, and do hereby appeal to our fellow-citizens of every former political connection, to undertake with us this first and most pressing patriotic duty.

For the Democracy of the whole country we do here reaffirm our faith in the permanence of the federal Union, our devotion to the Constitution of the United States with its amendments universally accepted as a final settlement of the controversies that engendered civil war, and do here record our steadfast confidence in the perpetuity of Republican self-government.

In absolute acquiescence in the will of the majority — the vital principle of Republics;

In the supremacy of the civil over the military authority;

In the total separation of Church and State, for the sake alike of civil and religious freedom;

In the equality of all citizens before just laws of their own enactment;

In the liberty of individual conduct, unvexed by sumptuary laws;

In the faithful education of the rising generation, that they may preserve, enjoy, and transmit these best conditions of human happiness and hope;

We behold the noblest products of a hundred years of changeful history;

But, while upholding the bond of our Union and great charter

of these our rights, it behooves a free people to practise also that eternal vigilance which is the price of liberty.

REFORM IS NECESSARY to rebuild and establish in the hearts of the whole people, the Union, eleven years ago happily rescued from the danger of a secession of States; but now to be saved from a corrupt centralism, which, after inflicting upon ten States the rapacity of carpet-bag tyrannies, has honeycombed the offices of the federal government itself with incapacity, waste, and fraud; infected States and municipalities with the contagion of misrule, and locked fast the prosperity of an industrious people in the paralysis of "Hard Times."

REFORM IS NECESSARY to establish a sound currency, restore the public credit, and maintain the national honor.

We denounce the failure for all these eleven years of peace to make good the promise of the legal tender notes, which are a changing standard of value in the hands of the people, and the non-payment of which is a disregard of the plighted faith of the nation.

We denounce the improvidence which, in eleven years of peace, has taken from the people, in federal taxes, thirteen times the whole amount of the legal-tender notes, and squandered four times their sum in useless expense, without accumulating any reserve for their redemption.

We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance towards resumption — no preparation for resumption, — but instead has obstructed resumption by wasting our resources and exhausting all our surplus income; and, while annually professing to intend a speedy return to specie payments, has annually enacted fresh hindrances thereto. As such a hindrance we denounce the resumption clause of the Act of 1875, and demand its repeal.

We demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance, which shall enable the nation soon to assure the whole world of its perfect ability and its perfect readiness to meet any of its promises at the call of the creditor entitled to payment.

We believe such a system, well devised, and, above all, intrusted to competent hands for execution, creating at no time an artificial scarcity of currency, and at no time alarming the public

mind into a withdrawal of that vaster machinery of credit by which ninety-five per cent. of all business transactions are performed — a system open, public, and inspiring general confidence, would from the day of its adoption bring healing on its wings to all our harassed industries, set in motion the wheels of commerce, manufactures, and the mechanic arts, restore employment to labor, and renew in all its natural sources the prosperity of the people.

REFORM IS NECESSARY in the sum and modes of federal taxation, to the end that capital may be set free from distrust and labor lightly burdened.

We denounce the present tariff, levied upon nearly four thousand articles, as a masterpiece of injustice, inequality, and false pretence.

It yields a dwindling, not a yearly rising, revenue.

It has impoverished many industries to subsidize a few.

It prohibits imports that might purchase the products of American labor.

It has degraded American commerce from the first to an inferior rank on the high seas.

It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture — an industry followed by half our people.

It costs the people five times more than it produces to the treasury, obstructs the processes of production, and wastes the fruits of labor.

It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants.

We demand that all custom-house taxation shall be only for revenue.

REFORM IS NECESSARY in the scale of public expense — federal, State, and municipal.

Our federal taxation has swollen from sixty millions gold, in 1860, to four hundred and fifty millions currency, in 1870; our aggregate taxation from one hundred and fifty-four millions gold, in 1860, to seven hundred and thirty millions currency, in 1870, or in one decade from less than five dollars per head to more than eighteen dollars per head.

Since the peace, the people have paid to their tax-gatherers more than thrice the sum of the national debt, and more than

twice that sum for the federal government alone. We demand a rigorous frugality in every department, and from every officer of the government.

REFORM IS NECESSARY to put a stop to the profligate waste of public lands and their diversion from actual settlers by the party in power, which has squandered two hundred millions of acres upon railroads alone, and out of more than thrice that aggregate has disposed of less than a sixth directly to tillers of the soil.

REFORM IS NECESSARY to correct the omissions of a Republican Congress, and the errors of our treaties and our diplomacy, which have stripped our fellow-citizens of foreign birth and kindred race recrossing the Atlantic, of the shield of American citizenship, and have exposed our brethren of the Pacific coast to the incursions of a race not sprung from the same great parent stock, and in fact now by law denied citizenship through naturalization as being neither accustomed to the traditions of a progressive civilization nor exercised in liberty under equal laws.

We denounce the policy which thus discards the liberty-loving German and tolerates the revival of the cooly trade in Mongolian women imported for immoral purposes, and Mongolian men, hired to perform servile labor contracts, and demand such a modification of the treaty with the Chinese empire, or such legislation by Congress within constitutional limitations, as shall prevent the further importation or immigration of the Mongolian race.

REFORM IS NECESSARY and can never be effected but by making it the controlling issue of the elections, and lifting it above the two false issues with which the office-holding class and the party in power seek to smother it.

1. The false issue with which they would enkindle sectarian strife in respect to the public schools, of which the establishment and support belong exclusively to the several States, and which the Democratic party has cherished from their foundation, and is resolved to maintain without prejudice or preference for any class, sect, or creed, and without contributions from the treasury to any.

2. The false issue by which they seek to light anew the dying embers of sectional hate between kindred peoples once estranged, but now reunited in one indivisible republic and a common destiny.

REFORM IS NECESSARY in the civil service. Experience proves that efficient, economical conduct of the governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot-box, be a brief reward of party zeal, instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition. Here again promises falsified in the performance attest that the party in power can work out no practical or salutary reform.

REFORM IS NECESSARY even more in the higher grades of the public service. President, vice-president, judges, senators, representatives, cabinet officers, — these and all others in authority are the people's servants. Their offices are not a private perquisite; they are a public trust.

When the annals of this Republic show the disgrace and censure of a vice-president;

A late speaker of the House of Representatives marketing his rulings as a presiding officer;

Three senators profiting secretly by their votes as law-makers;

Five chairmen of the leading committees of the late House of Representatives exposed in jobbery;

A late secretary of the treasury forcing balances in the public accounts;

A late attorney-general misappropriating public funds;

A secretary of the navy enriched or enriching friends by percentages levied off the profits of contractors with his department;

A minister to England censured in a dishonorable speculation;

The President's private secretary barely escaping conviction upon trial for guilty complicity in frauds upon the revenue;

A secretary of war impeached for high crimes and misdemeanors; —

The demonstration is complete that the first step in reform must be the people's choice of honest men from another party, lest the disease of one political organization infect the body politic, and lest by making no change of men or parties we get no change of measures and no real reform.

All the abuses, wrongs, and crimes, the product of sixteen years' ascendancy of the Republican party, create a necessity for

reform confessed by Republicans themselves ; but their reformers are voted down in convention and displaced from the cabinet. The party's mass of honest voters is powerless to resist the eighty thousand office-holders, its leaders and guides.

Reform can only be had by a peaceful civil revolution.

We demand a change of system, a change of administration, a change of parties, that we may have *a change of measures and of men.*

